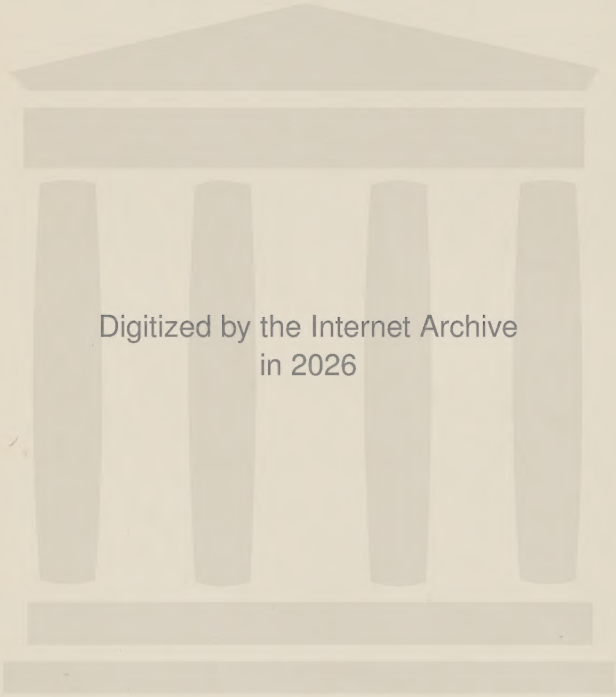
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PUBLIC GENERAL STATUTES

AFFECTING SCOTLAND.

1862.

PRINTED BY WILLIAM BLACKWOOD AND SONS, EDINBURGH.

A

COLLECTION

OF THE

PUBLIC GENERAL STATUTES

AFFECTING SCOTLAND,

PASSED IN THE

TWENTY-FIFTH AND TWENTY-SIXTH YEARS

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA:

Being the FOURTH SESSION of the EIGHTEENTH PARLIAMENT of the United Kingdom of *Great Britain* and *Ireland.*

WITH

GENERAL INDEX,

AND TABLES OF ALL THE GENERAL, LOCAL, AND PRIVATE ACTS PASSED IN THE ABOVE SESSION;

Printed by Authority of
Her Majesty's sole and only Master Printers for Scotland,
BY WILLIAM BLACKWOOD AND SONS,
EDINBURGH.
1862.

8 Rotunda

LICENCE.—In terms of Her Majesty's Letters Patent to Her Printers for Scotland, and of the Instructions issued by Her Majesty in Council, dated Eleventh July Eighteen Hundred and Thirty-nine, I hereby Licence and Authorize WILLIAM BLACKWOOD AND SONS, Printers in Edinburgh, to Print and Publish, as by the authority of Her Majesty, Acts of Parliament, Edicts, Proclamations, or other Papers printed by Royal Authority, as proposed in their Declaration, dated Twenty-sixth February Eighteen Hundred and Forty-eight; the terms and conditions of the said Instructions in this matter being always and in all points fully complied with and observed by the said WILLIAM BLACKWOOD AND SONS.

LONDON, 31*st March* 1848.

AND. RUTHERFURD.

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THE

PUBLIC GENERAL STATUTES

[AFFECTING SCOTLAND.]

ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

CAP. I.

An Act to apply the Sum of Nine hundred and seventy-three thousand seven hundred and forty-seven Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of March *One thousand eight hundred and Sixty-two.* —[10*th* March 1862.]

CAP. II.

An Act to apply the Sum of Eighteen millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-two.—[24*th* March 1862.]

CAP. III.

An Act to amend an Act, intituled An Act to amend the Law relating to Supply Exchequer Bills, and to charge the same on the Consolidated Fund; *and to repeal all Provisions by which Authority is given to the Commissioners of Her Majesty's Treasury to fund Exchequer Bills.*—[24*th* March 1862.]

CAP. IV.

An Act to enable Her Majesty to issue Commissions to the Officers of Her Majesty's Land Forces and Royal Marines, and to Adjutants and Quarter-masters of Her Militia and Volunteer Forces, without affixing Her Royal Sign Manual thereto.—[11*th* April 1862.]

CAP. V.

An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters. —[11*th* April 1862.]

CAP. VI.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on Shore.—[11*th* April 1862.]

CAP. VII.

An Act to provide for the Registration and Transfer of India *Stocks at the Bank of* Ireland, *and for the mutual*

mutual Transfers of such Stocks from and to the Banks of England *and* Ireland *respectively.*—[11*th* April 1862.]

CAP. VIII.

An Act to prevent the Employment of Women and Children during the Night in certain Operations connected with Bleaching by the open-air Process.—[11*th* April 1862.]

WHEREAS it is the Practice of a few Occupiers of Bleach Fields or Works in which the Operation of Bleaching by the open-air Process is the only Operation of Bleaching carried on, and which consequently are not regulated by the Provisions of the Act of the Twenty-third and Twenty-fourth Years of *Victoria*, Chapter Seventy-eight, to employ Females unnecessarily during the Night in Processes in which mechanical Power is used: And whereas the Exemption accorded to such Works in virtue of the First and Seventh Clauses of the said recited Act was not intended to give Sanction to a Practice (so injurious to the Health and Morals of the Persons so employed): Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Women and Children not to be employed during the Night.

I. That from and after the First Day of *January* One thousand eight hundred and sixty-three, in any Building, Buildings, or Premises in One or more of which any Process previous to packing is carried on in the Occupation of bleaching, dyeing, or finishing of any Yarn or Cloth of Cotton, Silk, Wool, or Flax, or any of them, or any Mixture of them, or any Yarn or Cloth of any other Material or Materials, including the Occupation of Bleaching by the open-air Process as defined in the Act of the Twenty-third and Twenty-fourth Years of *Victoria*, Chapter Seventy-eight, and in One or more of which Processes Steam or Water or other mechanical Power is used or employed, it shall not be lawful to employ Females, young Persons, and Children, or any of them, during the Night, that is to say, from Eight of the Clock in the Evening to Six of the Clock in the Morning, excepting to recover lost Time in the Manner provided by "The Bleaching and Dyeing Works Act," Twenty-third and Twenty-fourth *Victoria*, Chapter Seventy-eight.

II. For

Application of Powers, &c. of 7 & 8 Vict. c. 15 to this Act.

II. For the due Enforcement of this Act, there shall be applicable all the Powers, Provisions, and Penalties of the Act of the Seventh and Eighth Years of *Victoria*, Chapter Fifteen, intituled *An Act to amend the Laws relating to Labour in Factories.*

CAP. IX.

An Act to enable the Trustees of Sir John Soane's *Museum to send Works of Art to the International Exhibition*, 1862.—[11*th* April 1862.]

CAP. X.

An Act for continuing for a further limited Time, and for extending the Operation of Orders made under "The Industrial Schools Act, 1861," *and "The Industrial Schools* (Scotland) *Act*, 1861."—[11*th* April 1862.]

24 & 25 Vict. cc. 113 and 132.

WHEREAS by "The Industrial Schools Act, 1861," and "The Industrial Schools (*Scotland*) Act, 1861," Powers are given to Justices in *England* and to Magistrates in *Scotland* to send destitute and refractory Children to Industrial Schools for such Periods as they may think necessary, for their Education and Training; but Doubts are entertained how far such Acts can be carried into operation, by reason of their Duration being limited: And whereas it is expedient that the Duration of the said Acts should be extended, and Effect should be given to Orders made for sending Children to School during the Subsistence of the Powers for that Purpose given by the said Acts: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Continuance of recited Acts and of Orders made under the same.

I. "The Industrial Schools Act, 1861," and "The Industrial Schools (*Scotland*) Act, 1861," shall respectively continue in force until the First Day of *January* One thousand eight hundred and sixty-seven, and no longer: Provided that all Orders made or to be made under either of the said Acts before the First Day of *January* One thousand eight hundred and sixty-

sixty-seven, and all the Provisions of the said Acts, so far as is necessary for giving complete Effect to such Orders, shall continue in force after the First Day of *January* One thousand eight hundred and sixty-seven, in the same Manner in all respects as if the Duration of the said Acts were not limited to the First Day of *January* One thousand eight hundred and sixty-seven.

CAP. XI.

An Act to explain an Act, intituled An Act for the better Government of Her Majesty's *Australian* Colonies.—[11*th* April 1862.]

CAP. XII.

An Act for the Protection of Inventions and Designs exhibited at the International Exhibition of Industry and Art for the Year One thousand eight hundred and sixty-two.—[29*th* April 1862.]

WHEREAS it is expedient that such Protection as is herein-after mentioned should be afforded to Persons desirous of exhibiting new Inventions or new Designs at the International Exhibition of Industry and Art to be held in the present Year under the Direction of "The Commissioners for the Exhibition of 1862:" Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act may be cited for all Purposes as "The Protection of Inventions and Designs Amendment Act, 1862." Short Title.

Protection of new Inventions.

II. The Exhibition of any new Invention at the said International Exhibition shall not, nor shall the Publication, during the Period of the holding of such Exhibition, of any Description of such Invention, nor shall the User of such Invention, under the Direction of the said Commissioners, prejudice the Right of any Person to register provisionally such Invention, or invalidate any Letters Patent that may be granted for such Invention. Exhibition of new Inventions not to prejudice Patent Rights.

Protection

Exhibition of Designs not to prejudice Provisional Registration.

III. The Exhibition at the International Exhibition of any new Design capable of being registered provisionally under the Designs Act, 1850, or of any Article to which such Design is applied, shall not, nor shall the Publication during the Period of the holding of such Exhibition of any Description of such Design, prejudice the Right of any Person to register provisionally or otherwise such Design, or invalidate any Provisional or other Registration that may be granted for such Design.

CAP. XIII.

An Act for raising the Sum of One Million Pounds by Exchequer Bonds for the Service of the Year One thousand eight hundred and sixty-two.—[16*th* May 1862.]

CAP. XIV.

An Act to extend to the Isle of Man *the Provisions of the Act Eighteenth and Nineteenth Victoria, Chapter Ninety, as to the Payment of Costs to and by the Crown.*—[16*th* May 1862.]

CAP. XV.

An Act to define the Powers of the President and Fellows of the King and Queen's College of Physicians in Ireland *with respect to the Election of its Fellows.*—[16*th* May 1862.]

CAP. XVI.

An Act for extinguishing certain Rights of Way through the Netley Hospital *Estate in the Parish of*

of Hound *in the County of* Southampton.—[16*th* May 1862.]

CAP. XVII.

An Act to extend the Time for making Enrolments under the Act passed in the last Session of Parliament, intituled An Act to amend the Law relating to the Conveyance of Land for Charitable Uses, *and to explain and amend the said Act.*—[16*th* May 1862.]

CAP. XVIII.

An Act to amend the Law as to the whipping of Juvenile and other Offenders.—[16*th* May 1862.]

WHEREAS it is expedient to amend the Law relating to the whipping of Offenders: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Regulation as to the whipping of Juvenile Offenders.

I. Where the Punishment of Whipping is awarded for any Offence by Order of One or more Justice or Justices made in exercise of his or their Power of summary Conviction, or in *Scotland* by the Court of Justiciary, or by any Sheriff or Magistrate, the Order, Sentence, or Conviction awarding such Punishment shall specify the Number of Strokes to be inflicted and the Instrument to be used in the Infliction of them, and in the Case of an Offender whose Age does not exceed Fourteen Years, the Number of Strokes inflicted shall not exceed Twelve, and the Instrument used shall be a Birch Rod.

Restriction as to Whippings in Scotland, &c.

II. No Offender shall be whipped more than once for the same Offence, and in *Scotland* no Offender above Sixteen Years of Age shall be whipped for Theft, or for Crime committed against Person or Property.

CAP. XIX.

An Act to amend The General Pier and Harbour Act, 1861.—[16*th* May 1862.]

WHEREAS it is expedient to amend The General Pier and Harbour Act, 1861, herein-after called the Principal Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Construction of Act. Short Title.

I. This Act shall be read (as far as may be) together with the Principal Act as One Act, and may be cited as The General Pier and Harbour Act, 1861, Amendment Act.

I.—Future Applications for Provisional Orders.

Repeal of Parts of Principal Act described in Schedule (A.)

II. The Provisions of the Principal Act described in Schedule (A.) to this Act shall be repealed with respect to any Application to be made to the Board of Trade for a Provisional Order after the passing of this Act.

Notice by Advertisement as in Schedule (B.) Part I.

III. Any Persons intending to make Application to the Board of Trade for a Provisional Order relative to a Pier or Harbour, which Persons are herein-after called the Promoters, shall in the Months of *October* and *November*, or either of them, immediately preceding the Application for the Provisional Order, publish Notice of their Intention by Advertisement according to the Regulations contained in Schedule (B.) Part I. to this Act.

Deposit of Documents, in Schedule (B.) Part II.

IV. On or before the Thirtieth Day of *November* immediately preceding the Application for the Provisional Order, the Promoters shall deposit the Documents described in Schedule (B.) Part II. to this Act, according to the Regulations therein contained.

Subsequent Deposit of Documents, in Schedule (B.) Part III.

V. On or before the Twenty-third Day of *December* in the same Year, the Promoters shall deposit the Documents mentioned in Schedule (B.) Part III. to this Act, according to the Regulations therein contained.

II.—Future or pending Applications for Provisional Orders.

Extent of Part II. of Act.

VI. The Provisions of this Part of this Act shall apply to every Provisional Order of the Board of Trade on any Application already made or to be hereafter made.

Works.

Works.

Approval of Works by Admiralty.

VII. Before commencing the Construction of any Part of the Works authorized by a Provisional Order, the Undertakers shall deposit at the Admiralty Office Working Drawings of the whole Works for the Approval of the Lords of the Admiralty: The Works shall not be constructed otherwise than in accordance with such Approval. After the same are commenced or constructed the Undertakers shall not alter or extend the same without first obtaining the like Approval. If any Work be commenced, constructed, altered, or extended contrary to this Provision, the Lords of the Admiralty may, at the Expense of the Undertakers, abate and remove it, or any Part of it, and restore the Site thereof to its former Condition.

Abandonment, Disuse, &c. of Works.

VIII. If any Work authorized by any Provisional Order be abandoned or suffered to fall into Disuse or Decay, the Lords of the Admiralty may, if and as they think fit, at the Expense of the Undertakers, either repair and restore such Work or any Part of it, or abate and remove it or any Part of it, and restore the Site thereof to its former Condition.

Power to Admiralty to cause Local Survey to be made.

IX. The Lords of the Admiralty may at any Time, at the Expense of the Undertakers, cause to be made a Local Survey and Examination of the Works authorized by any Provisional Order, or of the Site thereof.

Recovery of Expenses from Undertakers.

X. Whenever the Lords of the Admiralty, under the Authority of this Act, do any Act or Thing in relation to any Works authorized by any Provisional Order, which they are by this Act authorized to do at the Expense of the Undertakers, the Amount of such Expense shall be a Debt due to the Crown from the Undertakers, and shall be recoverable as such, with Costs, or the same may be recovered with Costs as a Penalty is or may be recoverable from the Undertakers.

Lights to be exhibited at Night during Construction of Works.

XI. During the Construction of the Works the Undertakers shall, at their own Expense, exhibit and keep burning every Night from Sunset to Sunrise such Lights for the Guidance of Vessels as the Lords of the Admiralty shall from Time to Time require or approve of: If the Undertakers refuse or neglect to comply with this Provision, they shall for each Offence be liable to a Penalty not exceeding Ten Pounds.

Limitation of Time for Completion of Works.

XII. The Works authorized by any Provisional Order shall be completed within Five Years after the passing of an Act confirming the Provisional Order, or within such other Time as the Provisional Order may direct; and on the Expiration of that Period the Powers by the Order given to the Undertakers for executing

executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Rates.

Pier, &c. open to Public on Payment of Rates.

XIII. On Payment of the Rates payable under a Provisional Order, and subject to the Provisions of the Principal Act and this Act and the Provisional Order, the Pier or Harbour to which the Provisional Order relates and its Approaches shall be open to all Persons for the shipping and unshipping of Goods, and the embarking and landing of Passengers, and such Persons and Passengers shall have unobstructed Ingress, Passage, and Egress into, along, through, and out of the same.

Power to Board of Trade to revise Rates.

XIV. Where the Undertakers are a Company incorporated by the Provisional Order for the Purposes of the Undertaking, then if at any Time it appear to the Board of Trade that the clear annual Profits divisible on the subscribed and paid-up Capital of the Company, on the Average of the then Three last preceding Years, amount to or exceed the Rate of Ten *per Centum per Annum* on the nominal Value of the Shares, the Board of Trade may, if in their Discretion they think fit, require the Company to reduce the Rates received by them to such Extent as may to the Board of Trade seem fit: If the Company refuse or neglect to comply with any such Requirement, they shall be liable to a Penalty not exceeding Fifty Pounds for every Day during which such Refusal or Neglect shall continue: Provided that if at any subsequent Time the Profits fall below the said Rate of Ten *per Centum per Annum* the Company may, with the Sanction of the Board of Trade, again raise the said Rates to an Amount not exceeding the Amount authorized by the Provisional Order.

Company to send Copy of annual Account in abstract as to Rates, Vessels, &c. to Board of Trade.

XV. Where the Undertakers are a Company as aforesaid, the Company, within One Month after sending to the Clerk of the Peace for the County the Copy of their annual Account in abstract, shall send a Copy of the same to the Board of Trade, who shall forward a Copy to any Persons who may require the same: If the Company refuse or neglect to comply with this Provision, they shall for every such Refusal or Neglect be liable to a Penalty not exceeding Twenty Pounds.

As to Audit of Accounts on Complaint to Board of Trade.

XVI. If, on Complaint in Writing by any Person interested, it appear to the Board of Trade that there is reasonable Ground for believing that such last-mentioned Account has not been duly kept, or that any Rates have been improperly or unfairly levied by the Company, or have not been applied in accordance with the Order, then the following Provisions shall take effect:

(1.) The Board of Trade may appoint an Auditor to audit and

and examine such Account, and inquire into the Matters complained of, and report to the Board of Trade on such Account and Matters:

(2.) The Company shall on Demand produce to such Auditor all or any of their Accounts, Books, Deeds, Papers, Writings, and Documents, and afford to him all reasonable Facilities for examining and comparing the same:

(3.) In case any such Complaint be found to be true, the reasonable Expenses of the Auditor shall be paid to the Board of Trade by the Company:

(4.) In case any such Complaint be not found to be true, the reasonable Expenses of the Auditor shall be paid to the Board of Trade by the Complainant:

(5.) In either Case, such Expenses shall be a Debt due to the Crown from the Company or from the Complainant (as the Case may be), and shall be recoverable as such, with Costs, or the same may be recovered with Costs as a Penalty is recoverable from the Company, or from any Person liable to a Penalty under the Provisional Order (as the Case may be).

Rates to be equally levied.

XVII. All Rates levied under any Provisional Order shall be charged equally to all Persons with respect to the same Description of Vessels and the same Description of Goods.

Mode of Recovery of Rates.

XVIII. Without Prejudice to any other Remedy, the Undertakers may recover any Rates due in respect of a Vessel from the Owner or Master of such Vessel, and any Rates due in respect of Goods from the Owner or Consignee of such Goods, by Proceedings in any Court of competent Jurisdiction.

General Provisions.

10 & 11 Vict. c. 27. incorporated.

XIX. Subject to the Provisions of the Principal Act and this Act and any Provisional Order, The Harbours, Docks, and Piers Clauses Act, 1847, shall be deemed to be incorporated with every Provisional Order.

Water Pipes.

XX. The Undertakers may grant or allow to any Persons the Right of laying down or constructing and maintaining Pipes or Channels for the Conveyance of Water to, on, and within the Pier or Harbour, and may demand and receive such Sums in consideration of such Grant or Allowance as they may think reasonable.

Application of Merchant Shipping Act, &c.

XXI. The Undertaking authorized by any Provisional Order shall be subject to the Provisions of The Merchant Shipping Act, 1854, and of every General Act relating to Harbours or Dues on Shipping or on Goods carried in Ships, now in force or hereafter to be passed, and to any future Revision or Alteration

tion under the Authority of Parliament of the Rates authorized by the Order.

Costs of the Order.

XXII. The Costs of and connected with the preparation and making of each Provisional Order shall be paid by the Promoters.

III.—Pending Applications for Provisional Orders.

Proceedings under Section 9 of Principal Act for fixing Schedule of Rates.

XXIII. And whereas it was by the Principal Act (Section Nine) enacted, that in case the Promoters, or any Persons being the Owners or Proprietors of any Works, or any Persons having the Management of or Powers to construct any such Works under any Local Act of Parliament, or any Town Council of any Seaport Town not having any constituted Harbour Trust, should be desirous of levying any Rates for the Maintenance of such Works, or of altering the Schedule of Rates then leviable thereat, they should prepare a Schedule of such Rates which they might think reasonable and proper to be levied at such Works, and should publish such Schedule in a Newspaper as therein specified, and should also deposit a printed Copy of such Schedule at such Office as therein specified, and also transmit a Copy of such Schedule to the Board of Trade with such other Documents as therein specified, and that after such Proceedings and the Lapse of such Time as therein specified the Board of Trade should finally adjust and fix a Schedule of Rates, not exceeding the Rates specified in the Schedule to The Burgh Harbours (*Scotland*) Act, 1853, and that thereupon the Board of Trade might by Provisional Order empower any of the Persons in the Section now in recital mentioned to levy Rates according to such Schedule:

And whereas under the said recited Provision, Persons within the Description therein contained have prepared Schedules of Rates which they thought reasonable and proper to be levied, and have published, deposited, and transmitted the same in manner by the said recited Provision required, but the Board of Trade on proceeding to finally adjust and fix Schedules of Rates have, in certain Cases, found that the Schedules so prepared, published, deposited, and transmitted, comprise Rates in some Instances exceeding the Rates specified in the Schedule to The Burgh Harbours (*Scotland*) Act, 1853, and in other Instances leviable in respect of Subjects not specified in the last-mentioned Schedule:

And whereas in the several Cases aforesaid it is represented to the Board of Trade by the Promoters, and the Board of Trade have no Reason to doubt, that it is essential to the Success of the several Undertakings that an Opportunity should be given to the Promoters of obtaining the Sanction of Parliament to the several

several Schedules of Rates so prepared, published, deposited, and transmitted as aforesaid, without Reference to the Conformity of such Schedules with the Schedule to the Burgh Harbours (*Scotland*) Act, 1853: Be it therefore enacted as follows:

Power to Board of Trade to authorize Schedule as published, though differing from Schedule referred to in Principal Act.

Where any Schedule of Rates has been prepared, published, deposited, and transmitted as aforesaid, and it appears to the Board of Trade to be expedient that the same, or the same as modified on any Objection taken under the Principal Act, should be authorized by a Provisional Order, it shall be lawful for the Board of Trade to finally adjust and fix a Schedule of Rates, not exceeding the Rates specified in the Schedule so prepared, published, deposited, and transmitted, or so modified, and thereupon by Provisional Order to authorize the Levying and Recovery of Rates according to the Schedule so finally adjusted and fixed, notwithstanding that the same may in any respect differ from the Schedule to the Burgh Harbours (*Scotland*) Act, 1853: Provided, that it shall be lawful for the Board of Trade, if in any Case they think fit, before finally adjusting and fixing any such Schedule, to require the Promoters to publish any further or other Notice relative to the proposed Schedule as the Board of Trade may direct.

Provisions of Principal Act as in Schedule (C.) to this Act repealed.

XXIV. The Provisions of the Principal Act described in Schedule (C.) to this Act shall be repealed with respect to any Application already made to the Board of Trade for a Provisional Order.

IV.—General Provisions.

Order not to be made affecting Powers under Local Acts without Consent.

XXV. The Board of Trade shall not make any Provisional Order taking away or abridging any Right, Privilege, Power, Jurisdiction, or Authority given or reserved to any Person or Corporation by any Local or Special Act of Parliament, without the Consent in Writing of such Person or Corporation; but, subject to this Restriction, and to the Provisions of the Principal Act and of this Act, every Provisional Order when duly confirmed by Parliament shall be of full Force and Effect, any Local or Special Act to the contrary notwithstanding.

Power to Board of Trade to impose Terms, &c.

XXVI. Every Provisional Order of the Board of Trade on any Application already made or to be hereafter made shall take effect subject and according to such Restrictions and Provisions and on such Terms and Conditions as may be therein specified, not being inconsistent with the Provisions of the Principal Act or this Act.

Application of 7 W. 4. & 1 Vict. c. 83. to Act.

XXVII. The Provisions of the Act of the Session of the Seventh Year of King *William* the Fourth and the First Year of Her Majesty, Chapter Eighty-three, "to compel Clerks of "the

" the Peace for Counties and other Persons to take the Custody " of such Documents as shall be directed to be deposited with " them under the Standing Orders of either House of Parlia- " ment," shall (as far as may be) apply to all Cases of Deposit of Documents made or to be made with any Person under the Principal Act or this Act.

SCHEDULES.

SCHEDULE (A.)

Parts of General Pier and Harbour Act, 1861, *repealed as to future Applications to the Board of Trade for Provisional Orders.*

(1.) Sections Five, Nine.

(2.) In Section Six, so much as requires any Deposit to be made at the Admiralty Office.

(3.) In Section Sixteen, so much as relates to the London, Edinburgh, or Dublin Gazette.

SCHEDULE (B.)

Part I.

Advertisement in October or November of intended Application.

(1.) Every Advertisement is to state—

1. The Objects of the intended Application, specifying any of the following Objects, when comprised among the Objects of the Application :

(*a.*) Extension of Time for the Completion of any Works already authorized :

(*b.*) Power for a Company to amalgamate with another :

(*c.*) Power to sell, purchase, lease, or take on Lease an Undertaking :

(*d.*) Amendment or Repeal of any Local or Special Act of Parliament, or of any former Provisional Order :

(*e.*) Power to levy any Tolls, Rates, or Duties, or to alter any existing Tolls, Rates, or Duties :

(*f.*) The conferring, varying, or extinguishing of any Exemption from Tolls, Rates, or Duties, or of any other Right or Privilege :

(*g.*) Constitution or Alteration of Constitution of any Harbour Authority.

2. A

2. A general Description of the Nature of the proposed new Works, if any.
3. The Names of the Parishes, Townlands, Townships, and Extra-parochial Places in which the proposed new Works, if any, will be made.
4. The Times and Places at which the Deposit under Part II. of this Schedule will be made.
5. An Office, either in London, or at the Place to which the intended Application relates, at which printed Copies of the Draft Provisional Order, when deposited, will be purchaseable as herein-after provided.

(2.) The whole Notice is to be included in One Advertisement, which is to be headed with a short Title descriptive of the Undertaking or Application.

(3.) The Advertisement is to be inserted once at least in each of Two successive Weeks in some One and the same Newspaper published in the City, Town, or Place where the proposed Works will be made, or where the Pier or Harbour to which the intended Application relates is situate; or if there be no such Newspaper, then in some One and the same Newspaper published in the County in which such City, Town, or Place, or some Part thereof, is situate; or if there be none, then in some One and the same Newspaper published in some adjoining or neighbouring County.

(4.) The Advertisement is also in every Case to be inserted once at least in the London Gazette if the Place to which the intended Application relates is situate in England or Wales, in the Edinburgh Gazette if such Place is situate in Scotland, or in the Dublin Gazette if such Place is situate in Ireland.

Part II.

Deposit on or before 30th November.

(1.) The Promoters are to deposit—

1. A Copy of the Advertisement published by them.
2. A proper Plan and Section of the proposed new Works, if any; such Plan and Section to be prepared according to such Regulations as may from Time to Time be made by the Board of Trade on that Behalf.

(2.) The Documents aforesaid are to be deposited for public Inspection—

1. In England or Ireland, in the Office of the Clerk of the Peace for every County, Riding, or Division; in Scotland, in the Office of the Principal Sheriff Clerk for every County, District, or Division,—in which any proposed new Work will be made, or in which the Pier or Harbour

Harbour to which the intended Application relates, or any Part thereof, is situate.

2. At the Custom House, if any, of the Port, Sub-Port, or Creek to which the intended Application relates.

(3.) The Documents aforesaid are also to be deposited in the Offices of the Admiralty and of the Board of Trade.

PART III.

Deposit on or before 23d December.

(1.) The Promoters are to deposit at the Office of the Board of Trade—

1. A Memorial of the Promoters, signed by them or One of them, headed with a short Title descriptive of the Undertaking or Application (corresponding with that at the Head of the Advertisement), addressed to the Board of Trade, and praying for a Provisional Order.
2. A printed Draft of the Provisional Order as proposed by the Promoters.
3. An Estimate of the Expense of the proposed new Works, if any, signed by the Person making the same.

(2.) They are also to deposit printed Copies of the Draft Provisional Order for public Inspection at the Custom House (if any) of the Port, Sub-Port, or Creek to which the Application relates.

(3.) They are also to deposit a sufficient Number of such printed Copies at the Office named in that Behalf in the Advertisement; such Copies to be there furnished to all Persons applying for them at the Price of not more than One Shilling each.

SCHEDULE (C.)

Parts of General Pier and Harbour Act, 1861, *repealed as to Applications already made to the Board of Trade for Provisional Orders.*

In Section Sixteen, so much as relates to the London, Edinburgh, or Dublin Gazette; and also so much as restricts the Time for the Introduction of a Bill into Parliament for the Confirmation of a Provisional Order.

CAP. XX.

An Act respecting the Issue of Writs of Habeas Corpus out of England *into Her Majesty's Possessions Abroad.*—[16*th* May 1862.]

CAP. XXI.

An Act to amend the Law relating to the Transfer of Stocks and Annuities transferable at the Bank of Ireland.—[16*th* May 1862.]

CAP. XXII.

An Act to continue certain Duties of Customs and Inland Revenue for the Service of Her Majesty, and to grant, alter, and repeal certain other Duties.—[3*d* June 1862.]

Most Gracious Sovereign,

WE Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's Public Expenses, and making an Addition to the Public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several Rates and Duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Grant of Duties specified in Schedules annexed.

I. There shall be charged, collected, and paid for the Use of Her Majesty, Her Heirs and Successors, the several Rates and Duties of Customs, Excise, Stamps, and Income Tax respectively specified and contained in the several Schedules marked respectively (A.), (B.), (C.), and (D.) to this Act annexed, and there shall be allowed the several Drawbacks specified and contained in the said Schedules (A.) and (B.); and the said Rates, Duties, and Drawbacks shall respectively take effect at or from the respective Times, and shall continue to be charged, collected, paid, and allowed for and during the Periods respectively specified or mentioned in that Behalf in this Act or in the said Schedules; and where no Time is so specified for the Commencement thereof, the same shall commence and take effect from and after the passing of this Act; and where no Period is so specified or limited for the Duration thereof, the same shall continue to be charged,

charged, collected, paid, and allowed respectively until Parliament shall otherwise order; and the said several Schedules shall be deemed to be Part of this Act.

Provisions of former Acts to apply to this Act.

II. All the Powers, Provisions, Clauses, Regulations, Allowances, and Exemptions, Forfeitures, Pains, and Penalties, contained in or imposed by any Act or Acts or any Schedule thereto, relating to any Duties or Drawbacks of the same Kind or Description as the several Rates or Duties or Drawbacks granted and allowed by this Act respectively, and in force at the Time of the passing of this Act and not hereby expressly repealed, or as regards the Income Tax in force on the Fifth Day of *April* One thousand eight hundred and sixty-two, shall respectively be in full Force and Effect with respect to the said Rates, Duties, and Drawbacks by this Act granted respectively, so far as the same are or shall be applicable, in all Cases not hereby expressly provided for, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said last-mentioned Rates and Duties and the Allowance and Payment of the said Drawbacks respectively, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted, *mutatis mutandis*, with reference to the Rates, Duties, and Drawbacks by this Act granted respectively.

Licences to Brewers to expire on 10th October in every Year.

III. All Licences to Brewers of Beer to be granted under this Act shall expire on the Tenth Day of *October* in every Year, and shall be renewed yearly on Payment of the Duties chargeable for or in respect of such Licences respectively, according to the Provisions of this Act.

Brewer of Beer for Sale, before obtaining Licence, to make Declaration under Provisions of 5 & 6 W. 4. c. 62. of the Quantity of Malt and Sugar brewed during the previous Year.

IV. Before any Licence shall be granted to any Brewer of Beer for Sale (other than a First Licence), such Brewer or his principal Servant under whose Direction or Inspection the Malt or Sugar herein-after mentioned shall have been brewed, shall make before a Justice of the Peace, or before the proper Collector of Excise, or any other Officer of Excise empowered to grant Licences (who are hereby respectively authorized to receive the same), a Declaration in Writing under the Provisions of the Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Sixty-two, setting forth a true and just Account of the Number of Bushels of Malt and of the Number of Pounds Weight Avoirdupois of Sugar respectively used by such Brewer in the brewing of Beer within the previous Year ending on the Tenth Day of *October* immediately preceding the Application for such Licence; and if such Declaration shall be false or untrue in any Particular, the Person

son making the same shall be subject to the Pains and Punishment prescribed by the said last-mentioned Act: Provided always, that in no Case shall a Licence be granted to any such Brewer of Beer upon Payment of any less Amount of Duty than shall appear to be due according to the Entries made in the Book or Paper delivered to such Brewer by the Officer of Excise for that Purpose.

When Licence of Brewer of Beer for Sale exceeds £10, it may be paid in Moieties.

V. Where the Amount of Duty chargeable upon any Licence to brew Beer for Sale shall exceed the Sum of Ten Pounds, such Licence may, if required, be granted upon Payment only of a Moiety of the Duty so chargeable, and in such Case the other Moiety of such Duty shall be paid on the First Day of *March* next after the Commencement of the Year for which such Licence shall have been granted, or in default thereof the Licence shall thereupon cease and determine, and be no longer in force.

On the Death of a Brewer, or on the Business being discontinued before Expiration of Licence, a proportionate Part of the Duty may be returned.

VI. If any Brewer of Beer for Sale shall die or become bankrupt, or shall discontinue the Trade and Business of a Brewer of Beer for Sale at any Time before the Expiration of his current Licence, it shall be lawful for the Commissioners of Inland Revenue to ascertain by such Means as they shall think fit, the Quantity of Malt and Sugar which such Brewer shall have used in the brewing of Beer in the Portion of the Year during which he shall have carried on Business under such Licence, and the Amount of Duty which would be payable for a Licence in respect of the Number of Barrels of Beer brewed from such Malt and Sugar, according to the Provisions of this Act; and if the Amount of Duty so ascertained shall be less than the Sum paid by such Brewer for his current Licence, the Commissioners shall cause the Difference to be repaid to such Brewer, or to the Executors or Assignees of any Brewer who shall die or become bankrupt.

When the Quantity of Beer brewed in any Year shall be less than the Quantity for which the Licence was granted, the Difference shall be repaid to the Brewer; if the Quantity be greater

VII. If upon the Termination of any Licence granted to a Brewer of Beer for Sale it shall appear that the Number of Barrels of Beer brewed by such Brewer during the Existence of such Licence, computed according to the Provisions in the Seventh Section of the Act passed in the First Year of the Reign of King *William* the Fourth, Chapter Fifty-one, is less than the Number of Barrels in respect of which the Duty upon such Licence was charged, the Difference between the Amount of Duty that would have been payable for a Licence for the lesser Number of Barrels of Beer brewed and the Amount actually paid for the Licence shall be repaid to the Brewer, his Executors or Administrators; and if it shall appear that the Number of Barrels of Beer, computed as aforesaid, brewed during such Period, shall be greater than the Number in respect of which the Licence was granted, the Brewer, or his Executors

he shall be surcharged.

Executors or Administrators, shall be surcharged with such additional Amount of Duty as, with the Sum actually paid for such Licence, shall amount to the Sum payable according to the Rates of Duty imposed by this Act upon the Number of Barrels of Beer brewed as aforesaid by such Brewer; and such additional Amount of Duty shall be paid by such Brewer, his Executors or Administrators, within Seven Days after he or they shall have had notice to pay the same.

Surcharge upon a Brewer's First Licence to become payable immediately upon Death or Bankruptcy of the Brewer.

VIII. If any Person who shall have taken out a Licence as a Brewer of Beer for Sale for the First Time shall die, or become bankrupt, or discontinue the Business of a Brewer of Beer at any Time before the Expiration of such Licence, the further additional Sum which shall be chargeable under this Act in respect of such Licence shall become due and payable immediately thereupon, and shall be a Debt due to Her Majesty, Her Heirs and Successors, and be recoverable accordingly; and in the Case of any such Brewer who shall discontinue Business as aforesaid, Payment of such additional Sum may be demanded either verbally of such Brewer, or by Writing left at the Brewery, by the Supervisor of Excise of the District in which the Brewery shall be situated; and if the same shall not be paid within Three Days next after such Demand shall have been made, the Brewer shall forfeit a Penalty of double the Amount thereof; and in all the foregoing Cases the Stock of Beer, Malt, and Hops, and the Utensils and Machinery upon the Brewery Premises at the Time of such Death, Bankruptcy, or Discontinuance of Business, shall be and remain liable for the Payment of the said Sum of Money or Penalty, and are hereby made chargeable therewith, notwithstanding any Title or Conveyance by which they may be claimed.

Brewers of Black Beer to continue to pay the Duties imposed by 6 G. 4. c. 81.

IX. Provided always, That Brewers of Beer known as Spruce or Black Beer, for Sale, shall continue to pay for their Licences only the same Rates of Duty as are imposed by the Act passed in the Sixth Year of King *George* the Fourth, Chapter Eighty-one, on Brewers of Beer other than Table Beer only, for Sale; provided that any such Brewer shall not brew on the same Premises Beer of any other Description than Spruce or Black Beer, nor use in the brewing of the same, or add thereto, any Hops or other Bitter, or any Yeast or other Matter to produce Fermentation, and shall not brew, or sell or send out, any of such Beer of a less Specific Gravity than One thousand one hundred and eighty Degrees.

Brewers of Beer for Sale omitting to take out Li-

X. If any Brewer of Beer for Sale shall omit to take out a proper Licence in that Behalf under this Act, he shall nevertheless be chargeable with the full Amount of the Duty payable or which would become payable under this Act for or in respect of the

the Licence which he ought to have taken out, and such Duty shall be a Debt to Her Majesty, Her Heirs and Successors, and shall be recoverable accordingly. cence to be liable to the Duty.

XI. If any Person shall brew any Beer for the Use of any other Person at any Place other than the Premises of the Person for whose Use the Beer shall be brewed, the Person brewing such Beer shall be deemed to be a Brewer of Beer for Sale, and shall be liable to take out a Licence accordingly. Persons brewing Beer for others to be deemed Brewers for Sale.

XII. So much of any Act as permits the Sale of Beer, Spirits, or Wine at Fairs or Races without an Excise Licence shall be and the same is hereby repealed. So much of any Act as permits Sale of Beer at Fairs, &c. without Licence repealed.

XIII. It shall be lawful for the Commissioners of Inland Revenue, whenever they shall consider it conducive to Public Convenience, Comfort, and Order, and with the Consents in Writing of Two Justices of the Peace usually acting at the Petty Sessions for the Petty Sessional Division within which the Place of Sale is situate, to authorize any Officer of Excise to grant to any Person who shall be duly authorized to keep a Common Inn, Alehouse, or Victualling House, and who shall have taken out the proper Excise Licences to sell therein Beer, Spirits, Wine, or Tobacco, an occasional Licence under this Act empowering him to sell the like Articles for which he shall have taken out such Licences as aforesaid at any such other Place, and for and during such Space or Period of Time, not exceeding Three consecutive Days at any One Time, as the said Commissioners shall approve, and as shall be specified in such occasional Licence ; and any Person who shall have taken out such occasional Licence shall not be liable to any Penalty or Forfeiture whatever by reason or on account of his selling the Articles mentioned in the said Licence during the Time and at the Place specified therein ; provided that no such occasional Licence shall authorize the Sale of any Beer, Spirits, or Wine, except during the Hours after Sunrise and before Sunset ; and provided that the said Licence shall not protect any such Person in the Sale of any of the Articles herein mentioned, unless he shall at the time of such Sale produce such Licence when requested to do so by any Officer of Excise, or by any Constable or Police Officer ; nor shall any such Licence be granted for the Sale of any of the Articles herein mentioned on any *Sunday, Christmas Day,* or *Good Friday,* or on any Day appointed for a Public Fast or Thanksgiving ; provided also, that the Provisions of this Clause shall not extend to *Scotland.* Occasional Licence may be granted to Victuallers to sell Beer, Spirits, &c. at such Time and Place as the Commissioners of Inland Revenue shall approve.

XIV. And whereas by an Act passed in the Nineteenth and Twentieth Years of Her Majesty's Reign, Chapter Thirty-four, a Duty of Excise was imposed on Sugar used in the brewing or making of Beer, and by an Act passed in the Twenty-fourth and Charging of Excise Duty on Sugar used in brewing deferred

until 1st July 1863.

and Twenty-fifth Years of Her Majesty's Reign, Chapter Ninety-one, the charging of the said Duty was deferred until the First Day of *July* One thousand eight hundred and sixty-two, and it is expedient further to defer the same: Be it enacted, That the charging of the said Duty of Excise on Sugar used as aforesaid shall be further deferred until the First Day of *July* One thousand eight hundred and sixty-three.

Licences granted under 23 Vict. c. 27. and 23 & 24 Vict. c. 107. may be transferred as other Excise Licences in case of the Removal of the licensed Person.

XV. The Provisions contained in the Twenty-first Section of the Act passed in the Sixth Year of the Reign of King *George* the Fourth, Chapter Eighty-one, relating to the Transfer of Excise Licences in the Case of the Removal of any Person from the House or Premises at which he shall be licensed under that Act, shall be and the same are hereby extended to Licences granted under the Act passed in the Twenty-third Year of the Reign of Her present Majesty, Chapter Twenty-seven, and the Act passed in the Twenty-third and Twenty-fourth Years of Her said Majesty's Reign, Chapter One hundred and seven respectively: Provided that no Licence granted under either of the Two last-mentioned Acts for the Sale of Foreign Wine by Retail to be consumed upon the Premises where the same shall be sold shall be transferred by the Officers of Excise, unless the Assignee of such Licence shall be duly licensed to keep a Refreshment House, nor unless he shall produce to such Officers a Certificate from a Justice of the Peace acting for the City, Borough, Town, or Place in which the House and Premises are situated, that such Justice does not object to such Transfer being made, and provided that no such Licence so transferred shall authorize the Assignee to carry on the Business mentioned therein for a longer Period than Five Weeks from the Date of such Transfer, unless he shall in the meantime have qualified himself to become the Holder of a Licence of the like Kind according to the Provisions of the said respective Acts.

For Removal of Doubts as to the Privilege of the Free Vintners of the City of London to sell Wine without Licence.

XVI. Whereas Doubts have arisen as to the Extent of the Privilege of the Master, Warden, Freemen, and Commonalty of the Vintners of the City of *London* to sell Wine without taking out an Excise Licence for that Purpose: Be it enacted, That no Freeman of the said Company shall be entitled to sell Wine in more than One separate and distinct House or Premises at the same Time without taking out the proper Excise Licence in that Behalf, nor shall any Freeman be entitled to exercise the said Privilege unless he shall have previously made an Entry of the House or Premises in which he intends to sell Wine with the proper Officer of Excise, in the Manner directed in the Fifth Section of an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Fifty-one.

XVII. The

XVII. The Duties of Excise now chargeable on Hops growing or to grow in the United Kingdom, which shall be cured and made fit for Use after the passing of this Act, shall cease, and are hereby repealed; and all Allowances and Drawbacks of the Duties of Excise on the Exportation of such Hops shall also cease, and be no longer payable. Excise Duties, &c. on Hops cured after the passing of this Act repealed.

XVIII. On and after the Sixteenth Day of *September* One thousand eight hundred and sixty-two the Duty of Customs now payable on the Importation of Hops into *Great Britain* and *Ireland* shall cease and determine. Repeal of Customs Duty on Hops on 16th September 1862.

XIX. All Allowances and Drawbacks of Excise on the Exportation of Hops grown in the United Kingdom, and cured and made fit for Sale before the passing of this Act, shall cease and be repealed as to all or any of such Hops which shall be exported on or after the Sixteenth Day of *September* One thousand eight hundred and sixty-two. Drawbacks on Exportation of Hops cured before the passing of this Act to cease on 16th September 1862.

XX. On and after the Sixteenth Day of *September* One thousand eight hundred and sixty-two so much of an Act passed in the Fifty-sixth Year of the Reign of King *George* the Third, Chapter Fifty-eight, and of an Act passed in the Seventh and Eighth Years of the Reign of King *George* the Fourth, Chapter Fifty-two, and of any other Act relating to the Revenue of Excise, as imposes any Excise Penalty upon any Brewer of, or Dealer in, or Retailer of Beer, for receiving into, or having in his Possession, or using or mixing with any Worts or Beer any Article for or as a Substitute for Hops, or as prohibits the Sale of any such Article to the said Persons, shall be and is hereby repealed: Provided always, that nothing herein contained shall be construed to extend to repeal any such Penalty or Prohibition so far as regards any Article which may be used as a Substitute for Malt, notwithstanding that it may be also a Substitute for Hops. Excise Penalties imposed upon the Use of Substitutes for Hops repealed.

XXI. *British* Hops re-imported or brought back into *Great Britain* or *Ireland* on or at any Time within Six Months after the Sixteenth Day of *September* One thousand eight hundred and sixty-two shall be charged with the Duty now payable on the Importation of Hops; and no *British* Hops which shall have been re-imported or brought back into *Great Britain* or *Ireland*, and warehoused for Security of Duties of Customs previously to the said Sixteenth Day of *September*, shall be delivered on or within Six Months after that Day without Payment of the Duty of Customs now chargeable on the Importation of Hops. British Hops re-imported chargeable with Duty for Six Months after 16th Sept. 1862.

XXII. The Prohibition of the Importation of Extracts and Essences of Hops and other Concentrations thereof, contained in the Third Section of the Customs Duties Consolidation Act, 1860, shall, on and after the Sixteenth Day of *September* One thousand eight hundred and sixty-two, cease. Prohibition on Extract of Hops repealed.

XXIII. Provided

Allowance of 7*s.* per Cwt. on British Hops in Stock on 15th Sept. 1862.

XXIII. Provided always, That any Person who shall have in his Stock or Possession on the Fifteenth Day of *September* One thousand eight hundred and sixty-two not less than Half a Ton Weight of *British* Hops of a marketable Quality, on which the Duties of Excise have been fully charged and paid, and shall produce the same to the proper Officer of Excise authorised by the Commissioners of Inland Revenue to take an Account thereof in the original Bags or Pockets (whole and unopened) in which the same were charged with Duty, such Person being the *bonâ fide* Owner of such Hops, or a known Hop Factor, shall be entitled to claim and be paid an Allowance at the Rate of Seven Shillings for every Hundredweight thereof, subject to a Deduction of Ten *per Centum* for the Tare of the Bags or Pockets in which the Hops are contained.

Mode of claiming the Allowance on Hops in Stock.

XXIV. Every Person intending to claim any such Allowance shall, Seven Days previously to the Fifteenth Day of *September* One thousand eight hundred and sixty-two, give Notice to the proper Officer of Excise of the Division in which the Hops upon which he intends to claim such Allowance are stored, specifying his Name and Place of Abode, and the particular Warehouse or Building in which such Hops are stored, and the Number of Bags or Pockets of such Hops, with the Weight and Marks upon each Bag or Pocket, and the total Weight of such Hops, and also the Amount of the Allowance claimed; and every Person claiming such Allowance shall provide requisite Scales and Weights to enable the Officer of Excise conveniently to take an Account of such Hops, and shall also, with his Servants and Workmen, whenever thereto required, aid and assist the said Officer in taking such Account; and in default thereof the Claimant shall not be entitled to any Allowance in respect of any Hops in his Stock or Possession.

Officers of Excise to attend to examine Claims and Stocks and grant Certificates.

XXV. The proper Officer of Excise authorized in that Behalf shall on the said Fifteenth Day of *September*, or within Three Days thereafter, attend at the Place mentioned in such Notice as aforesaid as the Place where any such Hops are deposited, and examine, weigh, and take an Account of the same, and shall mark each Bag or Pocket with such Marks and Figures as he shall think fit to denote such Examination; and such Officer shall ascertain and compute the Amount of the Allowance to which the Claimant may be entitled in respect of such Hops, and shall give to him a Certificate expressing the true Quantity and net Weight of the Hops in respect of which such Claimant shall be entitled to the Allowance, and specifying the Amount of the Allowance, and the Name and Place of Abode of the Person entitled thereto.

XXVI. On the Production of such Certificate by the Claimant or

or his Agent to the Collector of Excise of the Collection in which the same was granted, and on a solemn Declaration being made by such Claimant before a Justice of the Peace, or such Collector, that the whole Quantity of the Hops mentioned in such Certificate was, at the Time therein specified, the sole Property of such Claimant, or of him and his Copartner in Trade (as the Case may be), or that he is a Hop Factor, and that the same, or any Part thereof, hath not been taken account of for the Purpose of obtaining the said Allowance more than once, and that the said Certificate is true to the best of his Knowledge and Belief, and that no false Statement, Art, or Contrivance was used to deceive the Officer taking an Account of the said Hops, or any Part thereof, or to render the Account or Amount thereof expressed in such Certificate untrue, the said Collector being satisfied of the Truth of such Declaration shall, out of the Money in his Hands on account of any of the Duties of Excise, pay to the said Claimant or his Agent the Sum of Money specified in such Certificate at the next Sitting Day which shall be held for the Collection or Receipt of Excise Duties next after the Expiration of One Week from the Production of such Certificate and the Making of such Declaration as aforesaid.

Declaration to be made of the Truth of the Certificate, and Collector to pay the Amount of the Allowance.

XXVII. From and after the First Day of *September* One thousand eight hundred and sixty-two the Act passed in the Ninth Year of the Reign of King *George* the Fourth, Chapter Eighteen, for repealing the Stamp Duties on Cards and Dice made in the United Kingdom, and granting other Duties in lieu thereof, and amending and consolidating the Acts relating to Cards and Dice and the Exportation thereof, shall be and the same is hereby repealed, save and except as to any Duties granted by the said Act and which shall be then unpaid and any Penalty which may have been incurred, which Duties and Penalties shall be recoverable as if this Act had not been made, and also save and except so far as relates to any Bond given in pursuance of the said Act, which Bond shall, notwithstanding this Act, continue in force until the Condition thereof shall have been performed and fulfilled; and from and after the said First Day of *September* One thousand eight hundred and sixty-two the Duty by this Act charged for and in respect of Playing Cards, and all the Clauses and Provisions relating thereto, shall commence and take effect.

9 G. 4. c. 18. granting Duties on Cards and Dice repealed.

XXVIII. The Term "Cards," wherever the same shall be used in this Act, shall mean Playing Cards by this Act charged with Stamp Duty; the Term "Wrapper" shall mean a Paper Wrapper, Label, or Enclosure provided by the said Commissioners of Inland Revenue for containing, enclosing, or covering a Pack of Cards and denoting the Duty in respect thereof; and the Term "Pack

Interpretation of Terms.

"Pack of Cards" shall mean any Quantity or Number of Cards not exceeding Fifty-two.

The Duty to be denoted on the Wrapper.

XXIX. The said Duty of Threepence by this Act chargeable on a Pack of Cards shall be denoted on the Wrapper of every Pack, which Wrapper the Commissioners of Inland Revenue shall provide with such Stamp or Device or Devices thereon for denoting the said Duty as they shall think fit; and the said Commissioners shall supply to any Person who shall be a Maker of Cards, and shall as such have a Licence in force for selling Cards, with any Quantities of such Wrappers on Payment of the Duties for the same, or at their Discretion shall stamp, to denote the said Duty, the Wrappers of licensed Makers of Cards, which when so stamped shall be deemed to be Wrappers provided by the said Commissioners in pursuance of this Act; and no Cards shall be sold otherwise than in separate Packs, each Pack being enclosed in a Wrapper, the Stamp on which shall be at all Times uncovered and open to view, and which shall be securely fastened round or over the same by means of Wheat Flour Paste, or some other firmly adhesive Substance to be approved by the said Commissioners, and so and in such Manner that the Wrapper cannot be opened, or the Cards taken out without the Wrapper being destroyed; and if the Wrapper used by any Maker of Cards for enclosing any Cards sold by him shall not be fastened with proper and sufficient adhesive Substance as aforesaid, or *bonâ fide* in a secure Manner, and with the Stamp thereon open to view, according to the true Intent and Meaning of this Act, such Cards shall be deemed to be not enclosed in a Wrapper provided by the said Commissioners under this Act; and such Maker, and also any other Person selling such Cards, shall be subject and liable to the Penalties imposed by this Act for selling Cards not enclosed in Wrappers.

Cards to be sold in separate Packs enclosed in Wrappers.

Licences to sell Cards to be granted.

XXX. The Commissioners of Inland Revenue, or any of their Officers authorised by them, shall grant to any Person who shall apply for it a Licence to sell Cards at any House to be specified therein, on Payment of the Duty for the same; every such Licence shall continue in force from the Day on which the same shall be granted until and upon the First Day of *September* then next following, and no longer.

Selling Cards without Licence, Penalty £20.

XXXI. If any Person shall sell or offer for Sale any Cards without having a Licence in force for the same granted under this Act he shall forfeit Twenty Pounds; and any Person who shall sell Cards at any House or Place not specified in a Licence granted to him shall be deemed to be a Person selling Cards without having a Licence; and any Person who shall be found hawking or carrying about for Sale any Cards, whether enclosed in

in a stamped Wrapper or not, and who shall sell the same or offer the same for Sale at any Place for which he shall have no Licence, may be apprehended by any Constable or Officer of Inland Revenue, and taken before any Justice of the Peace, who shall hear and determine the Matter, and if upon Conviction of such Offence the Offender shall not immediately pay the Penalty in which he shall be convicted, he shall be committed to Prison for any Period not exceeding Three Months nor less than One Month, unless the Penalty shall be sooner paid; and all Cards which he shall be found trading with or carrying about shall be forfeited, and delivered up to the Commissioners to be dealt with as Cards forfeited under this Act.

Hawkers of Cards may be apprehended and taken before a Justice.

XXXII. If any Maker of Cards shall remove or send or deliver out any Cards from his House or Premises, or the House or Place in which they were made or completed (except for Exportation as allowed by this Act), the same not being in Packs enclosed in Wrappers in manner aforesaid, or if any Person, whether a Maker of Cards or not, and whether licensed or not, shall sell any Cards, not being a Pack of Cards enclosed in a Wrapper as by this Act is required, he shall forfeit, if he be a Maker of Cards, the Sum of One hundred Pounds, and if he be not a Maker of Cards, the Sum of Twenty Pounds; and moreover, for every Pack of Cards which any such Person shall sell or send or deliver out not enclosed in a Wrapper as aforesaid, he shall forfeit the further Sum of Five Pounds; and all Cards found in any House or Place whatever (except on the Premises of a licensed Maker specified in his Licence) which shall be kept or intended for Sale, or which shall be found on the Premises or in the Possession of any Person who shall sell Cards, and which shall not be in separate Packs enclosed in Wrappers as aforesaid, shall be forfeited; and the same, and also all Wrappers found in any House or Place whatsoever which shall have been used for enclosing Cards, and removed or got off therefrom, may be taken and carried away by any Officer of Inland Revenue, and be destroyed or otherwise disposed of as the Commissioners shall direct; and for the Purposes of such Seizure it shall be lawful for any such Officer, under the Authority of a Warrant for that Purpose specially granted by any Two of the Commissioners or any Justice of the Peace, to enter in the Day-time any House or Place in which there shall be Reason to suspect that any Cards not enclosed in stamped Wrappers, or any Wrappers that have been used as aforesaid, are deposited or kept, and to search for the same; and if necessary, such Officer may break open the Door of any Room or Closet, or any Box, Trunk, or Case in which any such Cards or Wrappers are suspected

Penalty on selling Cards without stamped Wrappers.

Unstamped Cards to be forfeited.

pected to be contained; and all Cards so found shall be deemed to be kept and intended for Sale, unless the contrary shall be proved.

Name of Maker, &c. to be printed on the Wrapper.

XXXIII. Upon the Wrapper of every Pack of Cards sold or sent or delivered out by any Maker of Cards there shall be printed his Name and the Place at which he shall be licensed to sell Cards in manner to be approved by the said Commissioners, but, except as is provided by the next succeeding Section, no Cards shall be sold or sent or delivered out by any Maker the Stamp upon the Wrapper of which shall be cancelled or defaced, or in any way damaged or injured; and for every Pack of Cards sold or sent or delivered out by any Maker of Cards, on the Wrapper of which shall not be printed as hereby required such Name and Place, or, except as aforesaid, the Stamp on which Wrapper shall be cancelled or in any way defaced, damaged, or injured, he shall forfeit the Sum of Five Pounds; and Cards enclosed in a Wrapper having the Name of a Maker thereon, or otherwise purporting to be made by him, shall be deemed to have been made by him, unless the contrary shall appear.

The Seller of Cards to cancel the Stamp on the Wrapper.

XXXIV. Every Person who shall sell Cards other than a Maker of or Dealer in Cards selling by Wholesale to Persons who buy to sell again, shall, before he shall deliver or send out a Pack of Cards on the Sale thereof, cancel the Stamp on the Wrapper denoting the duty by this Act charged on a Pack of Cards by writing or impressing in Ink his Name upon such Stamp, or in default thereof, he shall forfeit the Sum of Five Pounds.

Frauds relating to Wrappers, &c., Penalty £20.

XXXV. If any Person shall remove or get off or aid or assist in removing or getting off from any Pack of Cards any Wrapper which shall have been used for enclosing the same, with Intent that such Wrapper shall be again used for enclosing any other Cards; or shall use any Wrapper so removed or got off for enclosing any such other Cards; or shall sell or utter any such last-mentioned Wrapper, or any Cards enclosed therein, knowing the said Wrapper to have been so removed or got off as aforesaid; or shall knowingly have in his Possession or on his Premises any Wrapper which shall have been so removed or got off, with Intent that the same might be used for enclosing other Cards; or shall be guilty of any fraudulent Act, Contrivance, or Device whatever relating to the Duty by this Act chargeable in respect of Cards, he shall forfeit the sum of Twenty Pounds; and it shall be lawful for the said Commissioners to refuse to grant Licence to sell Cards to any Person who shall have been convicted of any such Offence.

What Cards may be sold

XXXVI. Provided, That Cards in Packs, each Pack containing an Ace of Spades duly stamped under the said Act of the Ninth

Ninth Year of King *George* the Fourth, and also Cards duly imported, enclosed in Wrappers according to the Act of the Sixteenth and Seventeenth Years of Her present Majesty, Chapter One hundred and seven, may lawfully be sold as if this Act had not been made; and provided that it shall be lawful for any Person possessed of Cards previously sold and opened, used and played with, to sell the same to any licensed Maker of Cards without having a Licence for selling Cards, and without such Cards being enclosed in a Wrapper provided under this Act; and if any such Cards shall be afterwards sold or sent or delivered out by the said Maker, they shall be subject to all the Provisions of this Act, and for the Purposes of this Act such Maker shall be deemed to be the Maker of such Cards; and provided that this Act shall not extend to charge with Stamp Duty *bonâ fide* Toy Cards not exceeding in Length One Inch and Three Quarters, or in Width One Inch and a Quarter.

without Wrappers.

Second-hand Cards.

XXXVII. Provided also, That any licensed Maker of Cards who shall have given Security as hereinafter required may export Cards, made by him on the Premises specified in his Licence, to the *Isle of Man* or to Foreign Parts without being enclosed in Wrappers provided under this Act, under the Conditions and Provisions hereinafter mentioned; that is to say, before any Cards intended for Exportation shall be removed from the Premises of the licensed Maker, Notice of the Intention to export them shall be given by the Maker to the said Commissioners, or to some Officer of Inland Revenue authorized to receive the same, at the Chief Office in *London*, or at the Place at which the Maker shall be licensed, specifying the Quantity of Packs and the Description of the Cards to be exported, the Ports or Places from and to which respectively, and the Name of the Ship or Vessel in which the Cards are to be exported; and the said Commissioners or Officer shall issue to the Maker a Certificate, in such Form as the Commissioners shall approve, authorizing the Removal and Exportation of the Cards in conformity with the Notice, and thereupon the Cards may be removed from the Premises of the Maker, and shall be deposited on board the said Ship or Vessel within a certain Period to be specified in the Certificate, not exceeding in any Case Seven Days from the Date thereof; and if the said Cards or any of them shall be found at any Place whatever within the United Kingdom after the Expiration of such Period, or at any Place other than the Port or Place of Exportation, or in Transit thereto, before the Expiration thereof, or at any Place and at any Time not accompanied by such Certificate, the same shall be forfeited, and may be seized by any Officer of Inland Revenue, and disposed of as by this Act is provided as to Cards forfeited: Provided,

Unstamped Cards may be exported.

Provided, that before any Maker of Cards shall be permitted to export Cards not enclosed in Wrappers under this Act, he shall give Bond to Her Majesty in the Penalty of Five Hundred Pounds, with One or more Sureties to the Satisfaction of the Commissioners, conditioned for the due Exportation, in conformity with the Provisions of this Act, of all Cards which he shall be authorized to export, which Bond, and the Condition thereof, shall be in such Form and Terms as the Commissioners shall require.

Penalty for making unstamped Bonds.

XXXVIII. If any Person shall make, issue, deliver, assign, transfer, or negotiate in the United Kingdom, any Bond, Debenture, or other Security by this Act chargeable with Stamp Duty, or shall pay any Interest or Dividend accrued due in respect of any such Instrument, before the same shall be duly stamped for denoting the said Duty, he shall forfeit the Sum of Twenty Pounds.

For Probate Duty, Bond Debts to be Assets, as if they were Simple Contract Debts.

XXXIX. For the Purposes of the Stamp Duties on Probates of Wills and Letters of Administration, Debts and Sums of Money due and owing from Persons in the United Kingdom to any deceased Person at the Time of his Death on Obligation or other Specialty, shall be Estate and Effects of the Deceased, within the Jurisdiction of Her Majesty's Court of Probate in *England* or *Ireland*, as the Case may be, in which the same would be if they were Debts owing to the Deceased upon Simple Contract, without regard to the Place where the Obligation or Specialty shall be at the Time of the Death of the Deceased.

Licences to Hawkers with One Horse reduced.

XL. The Stamp Duty of Eight Pounds now payable for a yearly Licence to be taken out by a Hawker, Pedlar, and Petty Chapman in *Great Britain*, to travel and trade with One Horse only, exceeding in Height Thirteen Hands, shall be and the same is hereby reduced to the Sum of Four Pounds ; and any Licence to be hereafter taken out by a Hawker, Pedlar, and Petty Chapman in *Great Britain* may be granted for a Period not exceeding Six Months on Payment only of One Half the Amount payable for a yearly Licence for the same Purpose: Provided that any such Licence shall continue in force until and upon the Thirty-first Day of *January* or the Thirty-first Day of *July*, as the Case may be, next following the Date thereof, and no longer.

All Licences to Hawkers may be half-yearly.

Recovery of Penalties.

XLI. All Penalties imposed by this Act relating to Stamp Duty may be proceeded for and recovered for the Use of Her Majesty in the same Manner, and in the Case of Summary Proceedings with the like Power of Appeal, as any Penalty may be proceeded for and recovered under any Act relating to the Excise Revenue.

XLII. The

The Sums assessed under Schedules (A.) and (B.) for Year 1861 to be taken as assessed for 1862.

XLII. The Sum charged as the annual Value or Amount of any Property, Profits, or Gains in the several and respective Assessments made in pursuance of the Act passed in the Twenty-fourth Year of Her Majesty's Reign, Chapter Twenty, under Schedules (A.) and (B.) respectively of the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, and the Duty charged in respect of such annual Value or Amount by the said Assessments for the Year ended on the Fifth Day of *April* One thousand eight hundred and sixty-two, shall (except as to Railways and otherwise as provided by the Acts relating to Income Tax) be taken as the annual Value or Amount of such Property, Profits, or Gains, and as the Duty payable in respect thereof respectively for the Year commencing on the Sixth Day of *April* One thousand eight hundred and sixty-two; and the respective Assessments made under the said Schedules respectively for the said Year ended on the Fifth Day of *April* One thousand eight hundred and sixty-two, except as aforesaid, shall, for the Purposes of this Act, be deemed and taken to be Assessments made for the Year commencing on the Sixth Day of *April* One thousand eight hundred and sixty-two; and the Commissioners executing the Income Tax Acts shall, for each Place within their several and respective Districts, cause Duplicates of the said Assessments so made payable for the said last-mentioned Year to be made out and delivered, together with Warrants for collecting the same, and in *England* the said Commissioners shall appoint such Persons, being Inhabitants of the Place to which the Duplicate shall relate, as they the said Commissioners shall think fit to be Collectors of the Duties thereby charged, in like Manner as if such Persons had been presented to them by Assessors under the Acts now in force; and such Duties shall be collected, levied, and paid for the said Year commencing on the Sixth Day of *April* One thousand eight hundred and sixty-two, subject nevertheless to be increased in like Manner as the Assessments made for the Year ended on the Fifth Day of *April* One thousand eight hundred and sixty-two, and subject also to be abated or discharged at the End of the Year commencing on the Sixth Day of *April* One thousand eight hundred and sixty-two, for any Cause allowed by the said Acts: Provided that whenever it shall appear that any Property, Profits, or Gains chargeable under this Act have not been charged by the Assessments made for the Year ended on the Fifth Day of *April* One thousand eight hundred and sixty-two, such Property, Profits, and Gains shall be assessed to the Duties granted by this Act under the Provisions of the said several Acts applicable thereto.

XLIII. And whereas, since the Fifth Day of *April* now last past,

Persons intrusted with the Payment of Dividends, &c. since 5th April 1862 and before the passing of this Act, to make Returns thereof.

past, and before the passing of this Act, divers Dividends, Annuities, and Shares of Annuities, and Interest on Loans and on Bonds, Debentures, and other Securities directed by the Acts relating to the Income Tax in force on the said last-mentioned Day to be assessed under Schedules (C.) and (D.) respectively of the said Acts, have become due and payable, and by reason of the Expiration of the said Acts before the passing of this Act have not been assessed and charged with the said Tax; and it is expedient to provide for the Assessment thereof with the Rates and Duties of Income Tax granted by this Act, and for the Collection of the Sums assessed from the Persons respectively to whom such Dividends, Annuities, Shares, and Interest have been paid, or who are entitled thereto, or otherwise, as herein-after mentioned: Be it enacted, That all persons respectively intrusted with the payment of any such Dividends, Annuities, Shares, or Interest as aforesaid, or who have paid the same, either as Agent or otherwise, shall, within One Calendar Month next after the passing of this Act, deliver or cause to be delivered to the Commissioners for Special Purposes, at the Head Office of Inland Revenue at *Somerset House* in the City of *Westminster*, an Account in Writing, duly authenticated and signed by such Persons respectively, containing a Description of all such Dividends, Annuities, Shares, and Interest intrusted to them for Payment, which have become due or payable since the Fifth Day of *April* last, and also a true and perfect Account of the Names and Residences of the several Persons to whom the same have become due or payable, and the several Sums which have been so paid to them, or to which they have become entitled respectively, specifying in such Account the Sums (if any) deducted or retained by the Persons intrusted with such Payment as aforesaid in respect of Income Tax, to become chargeable thereon by the Authority of Parliament in this present Session; and the said Commissioners for Special Purposes shall make Assessments thereon respectively, under Schedules (C.) and (D.) respectively of the Acts relating to the Income Tax, of the Rates and Duties of Income Tax granted by this Act; that is to say, they shall make Assessments in respect of so much of such Dividends, Annuities, Shares, or Interest as may not have been actually paid to the Persons entitled thereto, and also in respect of so much thereof as shall have been paid to such Persons, but in respect whereof the Duty chargeable by this Act shall have been retained as aforesaid, in like Manner as if this Act had been in force on the Sixth Day of *April* One thousand eight hundred and sixty-two, and the Duty so assessed shall be paid into the Bank of *England* in Manner directed by the said Acts in such Cases;

Dividends, &c. due since 5th April 1862 to be assessed by Special Commissioners.

Cases; and in respect of so much of the said Dividends, Annuities, Shares, or Interest as shall have been paid to the Persons entitled thereto, the Duty whereon shall not have been deducted, they shall make Assessments on such Persons, and the Duty so assessed as last aforesaid shall be paid to the Receiver General of Inland Revenue by the several Persons who shall have received or are entitled to such Dividends, Annuities, Shares, and Interest respectively; and in default of such Payment the Sums so assessed shall be recoverable from the said last-mentioned Persons, and shall be collected and levied in like Manner as any other Assessments made by the said Commissioners are or may be by Law directed or authorized to be recovered, collected, or levied: Provided always, that if any Sum so assessed shall not be so paid, recovered, or collected by or from any Person chargeable therewith, and such Person shall at any time hereafter become entitled to any further Payment of the like Dividends, Annuities, Shares, or Interest, the Person intrusted with the Payment thereof as aforesaid shall, on Notice and Requisition from the said Commissioners in that Behalf, deduct and retain from and out of such further Payment any such Sum assessed and remaining unpaid as aforesaid, as well as any further Assessment chargeable in respect of such further Payment of the said Dividends, Shares, Annuities, or Interest; and the Person deducting and retaining any such Sum of Money assessed as aforesaid shall pay the same into the Bank of *England* to the Account of the said Receiver General in like Manner as he is by any Act relating to the Income Tax required or directed to pay over any other Sums of Money deducted or retained by him for Income Tax; and if any Person intrusted with the Payment of, or who hath paid any such Dividends, Annuities, Shares, or Interest as aforesaid, either as Agent or otherwise, shall neglect or refuse to do any Act hereby required or directed to be done or performed by him, he shall forfeit the Sum of One hundred Pounds.

Assessors not to be appointed for Duties under Schedules (A.) and (B.)

XLIV. No Assessors shall be appointed for the Duties payable under the said Schedules (A.) and (B.) of the said Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four: Provided that the Inspectors or Surveyors of Taxes shall act as Assessors in respect of such Duties whenever it shall be necessary; and as regards the Duties which shall be collected under the said Schedules (A.) and (B.) in lieu of the Poundage granted by the One hundred and eighty-third Section of the Act of the Fifth and Sixth Years of Her Majesty, Chapter Thirty-five, to be divided between the Assessors and Collectors, there shall be paid a Poundage of Three Halfpence to the Collectors.

XLV. And whereas, owing to the Increase of Population and in

Power to appoint more than Two Collectors of Income Tax and Assessed Taxes for each Parish.

in the Value of Property in divers Parishes and Places in *England*, it is necessary for the due and proper Collection of the Income Tax and Assessed Taxes respectively that more than Two Collectors of the said respective Taxes should be appointed for each of such Parishes or Places: Be it enacted, That it shall be lawful for the Commissioners executing the Acts relating to the said respective Taxes in their respective Districts, and they are hereby authorized and required to appoint such Number of Persons to be Collectors of the several and respective Taxes or any of them in each such Parish or Place as the said Commissioners may deem necessary for the due and proper Collection of the said Taxes respectively, and all such Collectors shall have the same Powers and Authorities, and shall be subject to the like Rules, Regulations, and Penalties, as any Collectors appointed under the Provisions of the Acts now in force.

SCHEDULES.

SCHEDULE (A.)

Containing the RATES and DUTIES of CUSTOMS granted, and the DRAWBACKS allowed on the following ARTICLES, by this ACT.

Duties now charged on Tea, Sugar, &c. continued until 1st July 1863.

The Duties of Customs now charged on the Articles next mentioned shall continue to be levied and charged, on and after the First Day of July One thousand eight hundred and sixty-two until the First Day of July One thousand eight hundred and sixty-three, on Importation into Great Britain and Ireland; that is to say,

	£	s.	d.
Tea (without any allowance for Draft) the lb.	0	1	5
SUGAR, and Articles composed thereof, or sweetened therewith; viz.:—			
Candy, Brown or White, Refined Sugar, or Sugar rendered by any Process equal in Quality thereto - - the Cwt.	0	18	4
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined or equal in Quality to Refined the Cwt.	0	16	0
Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Mus-			

covado

		£	s.	d.
covado or Brown Clayed, and not equal to White Clayed	the Cwt.	0	13	10
Brown Muscovado or any other Sugar, not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar	the Cwt.	0	12	8
Cane Juice	the Cwt.	0	10	4
Molasses	the Cwt.	0	5	0
Almonds, Paste of Cherries, dried Comfits, dry Confectionery Ginger, preserved Marmalade Plums, preserved in Sugar Succades, including all Fruits and Vegetables preserved in Sugar, not otherwise enumerated	each the lb.	0	0	2

The following Drawbacks on the several Descriptions of Refined Sugar herein-after mentioned shall continue to be allowed on and after the First Day of July One thousand eight hundred and sixty-two until the First Day of July One thousand eight hundred and sixty-three, on Exportation from Great Britain and Ireland to Foreign Parts, or on Removal to the Isle of Man for Consumption therein, or on Deposit thereof in any approved Warehouse, upon such Terms and subject to such Regulations as the Commissioners of Customs may direct, for Delivery from such Warehouse as Ship's Stores only, or for the Purpose of sweetening British Spirits in Bond; that is to say,

	£	s.	d.
Upon Refined Sugar, in Loaf, complete or whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform Whiteness throughout, or Sugar Candy, or Sugar refined by the Centrifugal Machine, or by any other Process, and not in any way inferior to the Export Standard No. 3 approved by the Lords of the Treasury - - for every Cwt.	0	17	2
Upon such Refined Sugar already described, if pounded, crushed, or broken in a Warehouse approved by the Commissioners of Customs, such Sugar having been there first inspected by the Officers of Customs in Lumps or Loaves, as if for immediate Shipment, and then packed for Exportation in the Presence of such Officers, and at the Expense of the Exporters - - - for every Cwt.	0	17	2

Upon

	£	s.	d.
Upon Refined Sugar unstoved, pounded, crushed, or broken, and not in any way inferior to the Export Standard Sample No. 1 approved by the Lords of the Treasury, and which shall not contain more than 5 per Centum Moisture over and above what the same would contain, if thoroughly dried in the Stove for every Cwt.	0	16	4
Upon Bastard or Refined Sugar, unstoved, broken in Pieces, or being ground, powdered, or crushed, not in any way inferior to the Export Standard Sample No. 2, approved by the Lords of the Treasury for every Cwt.	0	15	1
Upon Bastard or Refined Sugar being inferior in Quality to the said Export Standard Sample No. 2 - - - for every Cwt.	0	12	8

In lieu of the Duties of Customs now charged on the Articles undermentioned, the following Duties of Customs shall be charged thereon, on Importation into Great Britain and Ireland on and after the Fourth Day of April One thousand eight hundred and sixty-two :

	Containing less than the following Rates of Proof Spirit, verified by Sykes' Hydrometer, viz.,		If imported in Bottles, and containing less than 42 Degrees.
	26 Degrees.	42 Degrees.	
	s. d.	s. d.	s. d.
Wine, Red the Gallon	1 0	2 6	2 6
Ditto, White „	1 0	2 6	2 6
Lees of such Wine „	1 0	2 6	2 6

And for every Degree of Strength beyond the highest above specified, an additional Duty of Threepence per Gallon.

No more than Ten per Cent of Proof Spirit shall be used in the fortifying of any Wine in Bond ; nor shall any Wine be fortified in Bond to a greater Degree of Strength than Forty per Cent of such Proof Spirit.

In lieu of the Duties of Customs now charged on the Articles undermentioned, the following Duties of Customs shall be charged thereon on Importation into Great Britain and Ireland, from and after the First Day of September One thousand eight hundred and sixty-two, viz. :—

	£	s.	d.
Cards, viz. :			
Playing Cards, the Dozen Packs - -	0	3	9

SCHEDULE

SCHEDULE (B.)

Containing the DUTIES and DRAWBACK of EXCISE granted and allowed respectively by this Act.

Duties on Licences to Brewers of Beer for Sale, to be taken out on and after the Eleventh Day of October One thousand eight hundred and sixty-two.

	£	s.	d.
For and upon every Licence to be taken out yearly by any Brewer of Beer for Sale—			
If the Quantity of Beer brewed by such Brewer within the Year ending the Tenth Day of October next preceding the taking out of such Licence, shall not exceed Twenty Barrels, the Duty of - - -	0	12	6
And if the same shall exceed Twenty Barrels and not exceed Fifty Barrels, the Duty of	1	7	6
And if the same shall exceed Fifty Barrels	2	0	0
And if the same shall exceed One hundred Barrels and shall not exceed One thousand Barrels then for every Fifty Barrels, and for any fractional Part or Number of an entire Quantity of Fifty Barrels, over and above the First One hundred Barrels, the additional Duty of - - - - -	0	15	0
And if the same shall exceed One thousand Barrels, and shall not exceed Fifty thousand Barrels, then in addition to the Duty chargeable in respect of One thousand Barrels, there shall be charged for every Fifty Barrels, and for any fractional Part or Number of an entire Quantity of Fifty Barrels, over and above One thousand Barrels, the further Duty of - - -	0	14	0
And if the same shall exceed Fifty thousand Barrels, then in addition to the Duty chargeable in respect of Fifty thousand Barrels, there shall be charged for every Fifty Barrels, and for any fractional Part or Number of an entire Quantity of Fifty Barrels, over and above Fifty thousand Barrels, the further Duty of - - -	0	12	6
And for and upon every Licence to be taken out by any Person who shall first become a Brewer of Beer for Sale, the Duty of -	0	12	6

And

And there shall be charged upon and payable by the said last-mentioned Person in respect of such Licence such further additional Sum as, with the said Duty of Twelve Shillings and Sixpence, shall amount to the Duty chargeable on a Licence in respect of the like Number of Barrels of Beer brewed by him during the Existence of the Licence granted to him; and the said additional Charge shall be paid within Ten Days next after the Expiration of the said Licence.

The Duties aforesaid to be in lieu of the Duties now chargeable on Licences to be taken out by Brewers of Beer for Sale.

	£	s.	d.
On a Victualler's occasional Licence; that is to say,			
For and upon every occasional Licence to be granted to any Person who shall be duly authorised to keep a common Inn, Alehouse, or Victualling House, and licensed to sell therein Beer, Spirits, Wine or Tobacco, to sell the like Articles for which he shall be so licensed at any such other Place, and for and during such Space or Period of Time not exceeding Three Days as shall be specified in such occasional Licence, the Sum of - - - - -	0	5	0
Drawback on Beer exported; that is to say,			
For and in respect of every Barrel of Thirty-six Gallons, and so in proportion for any greater Quantity of Beer brewed or made by any entered or licensed Brewer of Beer for Sale in the United Kingdom, which, on or after the Eleventh Day of October, One thousand eight hundred and sixty-two, shall be exported to Foreign Parts as Merchandise, the Sum of Threepence, in addition to any Drawback now payable by Law on Beer exported.			

SCHEDULE (C.)

Containing the Stamp Duties imposed by this Act.

	£	s.	d.
For and in respect of every Pack of Playing Cards made fit for Sale or Use in the United Kingdom, the Duty of - -	0	0	3

For

	£	s.	d.
For and upon every Licence to be taken out annually by any Person who shall sell Playing Cards in the United Kingdom,			
If he be a Maker of Playing Cards, the Duty of - - - - - -	1	0	0
If he be not a Maker of Playing Cards, the Duty of - - - - - -	0	2	6
Upon and in respect of any Bond, Debenture, or other Security for Money, by whatever Name it shall be called, made in the United Kingdom or elsewhere, by or on behalf of any Foreign or Colonial Government, State, or Company, and bearing Date or signed after the passing of this Act (not being a Bill of Exchange or Promissory Note chargeable as such with Stamp Duty, nor being an Instrument already chargeable with the same Duty as a Bond, or for which a Composition in lieu thereof is payable) which shall be issued, delivered, assigned, transferred, or negotiated within the United Kingdom - -	The same Stamp Duty as is chargeable on a Bond made in the United Kingdom, for securing the Payment of the like Amount of Money.		
Provided that this shall not extend to charge with Stamp Duty any Instrument bonâ fide made and issued at any Place out of the United Kingdom as a Security for the Repayment of Money raised or procured on Loan in Foreign Parts, and not lent or advanced by any Person resident in the United Kingdom, and the Interest whereon shall not be paid within the United Kingdom.			

SCHEDULE (D.)

Containing the RATES and DUTIES of INCOME TAX granted by this Act.

For One Year commencing on the Sixth Day of April One thousand eight hundred and sixty-two, for and in respect of all Property, Profits, and Gains mentioned or described as chargeable in the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, the following Rates and Duties; that is to say,

For

For every Twenty Shillings of the annual Value or Amount of all such Property, Profits, and Gains (except those chargeable under Schedule (B.) of the said Act), the Rate or Duty of Ninepence:

And for and in respect of the Occupation of Lands, Tenements, Hereditaments, and Heritages chargeable under Schedule (B.) of the said Act, for every Twenty Shillings of the annual Value thereof,—

In England, the Rate or Duty of Fourpence Halfpenny:

And in Scotland and Ireland respectively, the Rate or Duty of Threepence:

Subject to the Provision contained in the said Act, Sixteenth and Seventeenth Victoria, Chapter Thirty-four, Section Twenty-eight, for the Relief of Persons whose Incomes are under One hundred and fifty Pounds a Year respectively, from so much of the said Duties as shall exceed the Rate of Sixpence for every Twenty Shillings of their respective Profits and Gains, computed as in the said Enactment is mentioned, and subject also to the Provision therein contained for the Exemption of Persons whose Incomes from every Source shall be less than One hundred Pounds a Year respectively.

CAP. XXIII.

An Act to amend "The Summary Procedure on Bills of Exchange (Ireland) *Act* (1861)."—[3*d* June 1862.]

CAP. XXIV.

An Act to continue The Peace Preservation (Ireland) *Act,* 1856, *as amended by the Act of the Twenty-third and Twenty-fourth Years of* Victoria, *Chapter One hundred and thirty-eight.*—[30*th* June 1862.]

CAP. XXV.

An Act to confirm certain Provisional Orders under the Local Government Act, 1858, *relating to the Districts*

Districts of Hanley, Stroud, Ilfracombe, Longton, Halifax, Ipswich, *and* Sandown.—[30*th* June 1862.]

CAP. XXVI.

An Act to extend the Power of making Statutes possessed by the University of Oxford, *and to make further Provision for the Administration of Justice in the Court of the Chancellor of the said University.* —[30*th* June 1862.]

CAP. XXVII.

An Act to authorize Payments for a further Period out of the Revenues of India *in respect of the Retiring Pay, Pensions, and other Expenses of that Nature of Her Majesty's* British *Forces serving in* India.—[30*th* June 1862.]

CAP. XXVIII.

An Act to alter and amend the Universities (Scotland) *Act in so far as relates to the Bequest of the late Doctor* Alexander Murray *in the University of* Aberdeen.—[30*th* June 1862.]

WHEREAS Difficulties have arisen as to the Powers of the Commissioners under an Act of the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, Chapter Eighty-three, intituled *An Act to make Provision for the better Government and Discipline of the Universities of* Scotland, *and improving and regulating the Course of Study therein; and for the Union of the Two Universities and Colleges of* Aberdeen, to alter or modify, under the Provisions of the said Act, the Conditions and Directions affecting the Bequest of the late Doctor *Alexander Murray* of *Philadelphia*, in the United States of *America*, of Date the Sixth Day of *September* One thousand seven hundred and ninety-three, whereby

21 & 22 Vict. c. 83

whereby he gave and bequeathed certain Property to the Regents and Professors of the *King's College* of *Aberdeen*, now united with *Marischal College* as the University of *Aberdeen*, for certain Purposes in the said Bequest mentioned: And whereas it is expedient that the Powers of the said Commissioners in relation to the said Bequest should be clearly defined: Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Commissioners to alter Conditions of Dr. Murray's Bequest.

I. It shall be lawful for the Commissioners under the said Act, at any Time prior to the First Day of *January* One thousand eight hundred and sixty-three, to alter or modify the Conditions and Directions affecting the Bequest of the said Doctor *Alexander Murray* in the University of *Aberdeen*, notwithstanding that the same may not have taken effect more than Fifty Years before the Date of the said Act.

CAP. XXIX.

An Act to amend and enlarge the Acts for the Improvement of Landed Property in Ireland.—[30*th* June 1862.]

CAP. XXX.

An Act to amend an Act of the last Session for authorizing Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries for Employment of the Poor, and for facilitating the Construction and Improvement of Harbours, and for other Purposes.—[30*th* June 1862.]

24 & 25 Vict. c. 80.

WHEREAS by an Act of the Twenty-fourth and Twenty-fifth Years of Her present Majesty, Chapter Eighty, the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* are empowered to cause to be issued out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, or out of the growing Produce

duce thereof, for the Purposes therein mentioned, a Sum not exceeding Three hundred and sixty thousand Pounds *per Annum* during the Five Years next ensuing the Fourth Day of *April* One thousand eight hundred and sixty-two, by quarterly Instalments, or Issues not exceeding Ninety thousand Pounds *per* Quarter, as therein mentioned, and for the Purpose of Loans under "The Harbours and Passing Tolls, &c. Act, 1861," a further Sum not exceeding Three hundred and fifty thousand Pounds *per Annum* during the Five Years next ensuing the passing of that Act, by quarterly Instalments or Issues not exceeding Eighty-seven thousand five hundred Pounds *per* Quarter, as therein mentioned: And whereas it is expedient to amend the said Act, and to provide that instead of making such Issues quarterly the same may be issued from Time to Time when and as the same or any Part thereof shall be actually required for the Purposes of Loans authorized by the said Act: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Instalments may be issued when required for Purposes of Loans under recited Act, instead of quarterly.

I. In case any or either of the said Instalments authorized by the said Act to be issued shall not be required by the Commissioners for carrying into execution the said Act to be issued quarterly, and shall not have been issued, it shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time, or at any Time after the Expiration of any such Quarter, to issue out of the growing Produce of the Consolidated Fund for the Purposes of the said Act all or such Part or Parts of the said respective quarterly Instalments which shall not have been previously issued as shall from Time to Time be required by the Commissioners for carrying into execution the said Act: Provided always, that nothing in this Act contained shall authorize the Issue of any larger Sum or Sums of Money in the whole than the aggregate Amount of the quarterly Instalments or Issues which under the Terms of the said recited Act may then have become due or issuable.

CAP. XXXI.

An Act to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-two.—[7*th* July 1862.]

CAP. XXXII.

An Act to continue the Act of the Second and Third Years of Victoria, *Chapter Seventy-four, for preventing the administering of unlawful Oaths in* Ireland, *as amended by an Act of the Eleventh and Twelfth Years of* Victoria.—[7*th* July 1862.]

CAP. XXXIII.

An Act for vesting in Her Majesty's Principal Secretary of State for the War Department the Lands of the Royal Military College at Sandhurst, *and for completing certain Exchanges of Lands now or late of the said College.*—[7*th* July 1862.]

CAP. XXXIV.

An Act for the Discontinuance of Portsdown Fair in the County of Southampton.—[7*th* July 1862.]

CAP. XXXV.

An Act to amend the Acts for the Regulation of Public Houses in Scotland.—[7*th* July 1862.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to regulate the granting of Certificates by Justices of the Peace and Magistrates, authorizing Persons to keep Common Inns, Alehouses, and Victualling Houses in* Scotland, *in which Ale, Beer, Spirits, Wine, and other Exciseable Liquors may be sold by Retail under Excise Licences, and for the better Regulation of such Houses, and for the Prevention of such Houses being kept without such Certificate;* and another Act was passed in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, intituled *An Act for the better Regulation of Public Houses in* Scotland: And whereas it is expedient to amend the said Acts, and to make Provision for more effectually preventing the Sale of Exciseable Liquors without Certificate

9 G. IV. c. 58.

16 & 17 Vict. c. 67.

Certificate and Licence, and for other Purposes relating thereto: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Regulating Period for granting Certificates.

I. The Magistrates of Burghs shall meet for granting and renewing Certificates for the Sale of Exciseable Liquors within the Bounds of such Burghs upon the Second *Tuesday* of *April* and the Third *Tuesday* in *October* in each Year, and the Justices of the Peace for the several Counties or Districts shall meet for granting and renewing Certificates for the Sale of Exciseable Liquors within such several Counties or Districts on the Third *Tuesday* of *April* and the last *Tuesday* of *October* in each Year; and it shall be lawful for such Magistrates and Justices respectively to adjourn such Meetings from Time to Time, as they shall think fit, during the Period of One Month next after the Day of their First Meeting, but no longer.

Forms of Certificates.

II. The Forms of Certificates contained in Schedule (A.) to this Act annexed shall come in place of the Forms of Certificates provided by the recited Acts or either of them; and it shall be lawful for the Justices of the Peace for any County or District, or the Magistrates of any Burgh, where they shall deem it inexpedient to grant to any Person a Certificate in the Form applied for, to grant him a Certificate in any other of the Forms contained in the said Schedule: Provided always, that in any particular Locality within any County or District or Burgh requiring other Hours for opening and closing Inns and Hotels and Public Houses than those specified in the Forms of Certificates in said Schedule applicable thereto, it shall be lawful for such Justices or Magistrates respectively to insert in such Certificates such other Hours, not being earlier than Six of the Clock or later than Eight of the Clock in the Morning for opening, or earlier than Nine of the Clock or later than Eleven of the Clock in the Evening for closing the same, as they shall think fit: And the Penalties and Forfeitures provided by the recited Acts, or either of them, for Breaches of or Offences against the Terms, Provisions, and Conditions of Certificates, shall apply to Breaches of or Offences against the Terms, Provisions, and Conditions of Certificates granted under this Act.

Penalties for Breaches of Certificate.

Certificates for the Sale of Spirits and Wine, to include Authority

III. Every Certificate to be hereafter granted for the Sale by Retail in any House or Premises of Spirits or Wine shall include an Authority for the Sale by Retail in such House or Premises of Porter, Ale, Beer, Cyder, and Perry, and such Certificate shall have the Effect of enabling the Party in favour

to sell Porter, Ale, Beer, &c.

favour of whom the same shall have been granted to obtain any Licence or Licences for such Purposes: Provided always, that nothing herein contained shall be held to prevent the Justices or Magistrates from granting a Certificate in any of the Forms in the said Schedule contained for the Sale by Retail of Wine, Porter, Ale, Beer, Cyder, or Perry, or of Porter, Ale, Beer, Cyder, or Perry only.

Certificates granted contrary to this Act void.

IV. If any Certificate shall be granted contrary to the Terms and Provisions of this Act the same shall be null and void to all Intents and Purposes.

Licences not to be granted without a Certificate obtained under this Act.

V. No Licence for the Sale of Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, or other Exciseable Liquors by Retail, whether to be drunk or consumed on the Premises of the Person licensed or not, shall be granted by the Commissioners of Inland Revenue, or by any Officer of Inland Revenue, to any Person in *Scotland* who shall not produce to the said Commissioners or Officer a Certificate granted in Terms of this Act, enabling the Party to obtain such Licence, and every Licence which shall be granted contrary to the Terms of this Act shall be null and void to all Intents and Purposes.

Chief Magistrate or Justices on special Occasions may grant Permission to keep Houses, &c. open during particular Times.

VI. On a Representation being made to the Chief Magistrate, or failing him the Two Senior Acting Magistrates of any Burgh, or to any Two Justices of the Peace of any County respectively by any person holding a Certificate for keeping an Inn and Hotel or Public House, and duly licensed to sell Exciseable Liquors to be consumed on the Premises, that it is intended that any public or special Entertainment shall take place therein, or in any other Place or Premises situated within the respective Jurisdictions of such Chief Magistrate or Magistrates or Justices, during any particular Time, such Chief Magistrate or Magistrates or Justices, as the Case may be, may, if he or they shall think fit, and on being satisfied that such Inn and Hotel, or Public House, Place, or Premises possesses the necessary Accommodation, and that the Entertainment is for a public or special Occasion of a legitimate and proper Character, and not originating directly or indirectly with the Person holding such Certificate, grant such Person a special Permission in Writing to keep such Inn and Hotel, or Public House, Place, or Premises open, and to sell therein, on such public or special Occasion, and for that Purpose only, such Exciseable Liquors as he may be duly licensed to sell as aforesaid during such Time, and beyond the Hour prescribed by his Certificate for closing, *Sunday* excepted, and under such Regulations as such Chief Magistrate or Magistrates or Justices of the Peace shall think fit to appoint: Provided always, that such Magistrate or Magistrates or Justices are entitled

titled to grant Certificates, and that such Justices are also Heritors of or resident in the Parish in which such Inn and Hotel, Public House, Place, or Premises shall be situated, or, where there shall be no such Justices Heritors of or resident in such Parish, Heritors of or resident in some next adjacent Parish; and it shall be lawful for the Justices of the Peace of any County or District, or for the Magistrates of any Burgh, at any *April* Half-yearly Meeting for the granting and Renewal of Certificates, to make such general Regulations touching such Permissions as they shall think fit, and such special Permissions shall be subject to such general Regulations: And provided further, that the Person obtaining such special Permission shall lodge the same with the Superintendent or other Chief Officer of Police of the District at least Twenty-four Hours before the Commencement of such public or special Entertainment, and such Superintendent or Chief Officer of Police shall furnish such Person with a certified Copy thereof, which shall be shown to any Officer of Police or Constable requiring to see the same: And provided also, that the Party holding such special Permission shall also have obtained an occasional Excise Licence in that Behalf.

Persons holding Licences for the Sale of Table Beer to be subject to the same Conditions as Persons holding Certificates.

VII. Whereas by an Act passed in the last Session of Parliament, intituled *An Act for granting to Her Majesty certain Duties of Excise and Stamps*, it is enacted, "that it shall be "lawful for any Person to take out a Licence for the Sale in "any House or Shop of Table Beer at a Price not exceeding "One Penny Half-penny the Quart, and not to be drunk or "consumed on the Premises where sold, and that it shall not "be necessary to the obtaining of such Licence that the said "House or Shop shall be rated to the Relief of the Poor to "any Amount, or that the Person applying for such Licence "shall produce any Certificate or enter into any Bond re-"quired by any Act relating to the Sale of Beer by Retail:" And whereas it is expedient that Provision should by this Act be made for the proper and orderly Regulation of the Houses, Shops, and Premises kept by such Persons: Be it therefore enacted, That every such Licence shall be held by the Person who shall have obtained the same on the Terms, Provisions, and Conditions following; *viz.*, that he shall not knowingly permit any Breach of the Peace or riotous or disorderly Conduct within his Premises, or supply Liquors to Persons in a State of Intoxication, and shall not sell or give any such Table Beer to be drunk or consumed on the said Premises; and shall not sell or give out therefrom any such Table Beer before Eight of the Clock in the Morning or after Eleven of the Clock at Night of any Day; and shall not open his Premises

Premises for the Sale of any Table Beer, or any Goods or Commodities whatsoever, or sell or give out the same on *Sunday;* and lastly, shall maintain good Order and Rule within his Premises; and in case any Person holding any such Licence shall offend against any of the said Terms, Provisions, and Conditions, every Person so offending shall for every such Offence forfeit and undergo the several Penalties provided by the Twenty-first Section of the herein first-recited Act for the Punishment of Offences against the Terms and Conditions of Certificates; and in addition to such Penalties the Licence granted to such Person may be declared to be forfeited and to become null and void; and every such Offence shall be prosecuted, tried, and determined in the same Manner, and before the same Courts, and subject to the same Conditions, as Breaches of Certificate or Offences against the Terms and Conditions thereof may be prosecuted, tried, and determined.

Form of Applications for Certificates.

VIII. If any Person shall be desirous of keeping an Inn and Hotel, Public House, Shop, or Premises for the Sale therein of Spirits, Wine, Beer, or other Exciseable Liquors, whether to be consumed on the Premises or not, he shall, previous to the granting to him of a Certificate for that Purpose, or the Renewal of any such Certificate already granted, truly fill up an Application for such Certificate in the Form contained in the First Part of Schedule (B.) to this Act annexed, and shall truly answer the several Queries therein contained; and Printed Forms for such Application shall be supplied to the Applicant by the Clerk of the Peace for the County or District, or the Town Clerk of the Burgh in which such Inn and Hotel, Public House, Shop, or Premises shall be situate, upon payment to him of a Fee of Sixpence for each Copy thereof, and every such Application shall be filled up in a fair and legible Hand, and shall be signed by the Applicant or his Agent thereunto authorized, and shall be lodged by the Applicant with such Clerk of the Peace or Town Clerk, as the Case may be, Fourteen Days at least before the General Meeting of the Justices of the Peace or Magistrates for granting and renewing Certificates: Provided always, that it shall not be lawful for the Justices of the Peace of any County or District, or the Magistrates of any Burgh, to entertain any Application for any Certificate for the Sale of Exciseable Liquors with respect to any House or Premises not licensed, and for which there is no Certificate at the Time of making such Application, until a Report shall have been made and subscribed by a Justice of the Peace for such County or District, or a Magistrate of such Burgh respectively, such Justice or Magistrate being entitled to

to grant Certificates, stating that the same are of suitable Construction and Accommodation for the Purpose applied for, and accompanied with a Certificate as to the Applicant's Character and Qualification, signed by a Justice of the Peace for such County or District, or a Magistrate of such Burgh, and which said Report and Certificate respectively shall be in the Form, or, as nearly as may be, in the Form contained in the Second Part of Schedule (B.) to this Act annexed: Provided also, that the Justices in Quarter Sessions, to whom any Appeal shall be made from a Deliverance, granting or refusing any Application for a Certificate, may by themselves, or any One or more of their Number, inspect the Premises for which a Certificate is applied, and review the said Report.

Certificate of Character and Qualification not necessary with Application for Renewal of Certificate.

IX. Where any Person shall be desirous of obtaining a Renewal of any subsisting Certificate, granted to him in Terms of this Act, which has not been transferred during the current Half Year, it shall not be necessary that he produce along with his Application any Recommendation or Certificate of Character and Qualification: Provided always, that such Exemption shall not be held to interfere with the Powers of Justices and Magistrates under the said recited Acts or this Act to deal with such Application.

List of new Applications for Certificates to be published.

X. The Clerk of the Peace of every County or District and the Town Clerk of every Burgh shall, at least Ten Days before the General Meeting of the Justices of the Peace, or the Magistrates, as the Case may be, for the granting and Renewal of Certificates for the Sale of Exciseable Liquors, make out and advertise, at least twice in One or more Newspapers printed or generally circulated in the District, a complete List, in the Form, or as nearly as may be in the Form, set forth in Schedule (C.) to this Act annexed, of all Applications for Certificates within their respective Bounds for Premises not at the Time certificated; and of all Applications by new Tenants or Occupants of Premises at the Time certificated; and also of all Applications for Renewal of Certificates which have been transferred during the Currency of the previous Half Year; and such Clerks of the Peace shall also, within the said Time, transmit by Post, with Postage prepaid, to the Registrar or Registrars of every Parish within their respective Counties or Districts, a Copy of the List of such Applications in so far as applicable to the Parish of such Registrar or Registrars, who are hereby required to preserve the same, and to give Access thereto to any Party applying for Inspection thereof upon Payment of a Fee of One Shilling for such Inspection: And it shall be lawful for the Justices of the Peace of any County or District, or the Magistrates of any Burgh, at any *April* Half-

Power to Justices, &c. to cause de-

scriptive Lists to be printed of Persons to whom Certificates have been granted.

Half-yearly Meeting for the granting and Renewal of Certificates, if they shall think fit, to cause a descriptive List of Persons to whom Certificates shall have been granted for the Year next ensuing, with the Premises to which such Certificates apply, within their respective Jurisdictions, to be made up and printed, in such Form as they shall direct, for the Use of themselves and others concerned in the Execution of the said recited Acts and this Act, the Expense whereof shall be paid out of the respective Funds in this Act specified into which Penalties and Expenses shall be paid.

Certain Parties may object to the granting or Renewal of Certificates.

XI. Any Person or the Agent of any Person owning or occupying Property in the Neighbourhood of the House or Premises, in respect of which any Certificate or Renewal of any Certificate shall be applied for, may object to the granting or Renewal of such Certificate by lodging at any Time, not less than Five Days before the General Meeting of the Justices of the Peace or Magistrates of the County, District, or Burgh, for the granting and Renewal of Certificates, where such House or Premises shall be situated, with the Clerk of the Peace or Town Clerk, as the Case may be, a Notice in Writing to that Effect, signed by such Person or his Agent, specifying the Grounds of such Objection, which Objection shall be heard at the then ensuing General Meeting; and if such Objection shall be considered of sufficient Importance by the Justices of the Peace or Magistrates in such General Meeting, and shall be proved to their Satisfaction, the said Certificate shall not be granted or renewed: Provided always, that no such Objection shall be entertained unless it shall be proved or admitted that the Person so objecting or his Agent did, at least Five Days before such General Meeting, deliver or cause to be delivered to the Person applying for such Certificate a Copy of the aforesaid Notice, or did forward to him by Post, with Postage prepaid, or did leave for him a Copy thereof, addressed to him at his Place of Abode mentioned in his Application, or in the Case of an Application for the Renewal of any Certificate at the licensed Premises for which the Application is made; and it shall be lawful for the Justices of the Peace or Magistrates respectively, in the event of their considering the Allegations and Objections against a Renewal of a Certificate contained in any such Notice frivolous or vexatious, or unauthorized, to find the Person or Agent, as the Case may be, making the same liable in such Expenses as they shall deem proper, and the Amount of the Expenses so found due shall be recoverable in the Sheriffs or Justices of the Peace Small Debt Court having Jurisdiction in the District; and a certified Copy of the aforesaid finding shall be sufficient Evidence and

and Authority for decerning for the Amount thereof with Expenses.

Justices or Magistrates at General Meetings, may hear Objections to granting Certificates.

XII. It shall be lawful for the Justices of the Peace of any County or District, or for the Magistrates of any Burgh, at any General Meeting for the granting and Renewal of Certificates held within their respective Jurisdictions, to hear and determine as at present, and without the Notice required by Section Eleven, any Objections to be made verbally or in Writing by any Justice of the Peace or Magistrate, or by the Procurator Fiscal, Chief Constable, or Superintendent of Police, against the granting or renewing of any Certificate.

Power to Constables, &c. to enter Eating Houses, &c. if they believe Exciseable Liquors are trafficked in.

XIII. It shall be lawful for any Chief Constable, Superintendent, Lieutenant, or Inspector of Police at any Time to enter and inspect any Eating House, Toll House, Temperance Hotel, Shop, or other Place, or any Boat or Vessel, where Food or Drink of any Kind is sold to be consumed on the Premises, or in which he shall have Reason to believe that Exciseable Liquors of any Kind are being unlawfully trafficked in; and it shall also be lawful for any Constable of Police having an Authority in Writing from any Justice of the Peace or Magistrate, or from any Chief Constable, Superintendent, Lieutenant, or Inspector of Police, in any County, District, or Burgh, and which they are severally hereby authorized to grant, to enter and inspect any such Eating Houses, Toll Houses, Temperance Hotels, Shops, or Places, or any such Boats or Vessels, within such County, District, or Burgh respectively, at any Time or Times within Eight Days from the Date of such Writing, as may be specially mentioned in such Writing; and any Person who shall refuse to admit or shall not admit such Officer of Police or Constable into any such Eating House, Temperance Hotel, Shop, or other Place, Boat or Vessel, or shall offer Obstruction to his Admission thereto, shall thereby be guilty of an Offence, and may be apprehended on a Warrant to that Effect granted by the Sheriff or by any One Justice of the Peace or Magistrate, and on being convicted thereof shall forfeit and pay a Penalty not exceeding Ten Pounds, and failing immediate Payment shall be imprisoned for a Period not exceeding Sixty Days: And it shall be lawful for any Officer of Police or Constable of any County, District, or Burgh, without any written Authority, at any Time to enter and inspect any licensed Inn and Hotel or Public House therein situated, and also, where he shall have Reason to believe that a Breach of Certificate is being committed, at any Time without written Authority to enter and inspect the Premises of any Grocer or Provision Dealer trading in Exciseable Liquors; and any Person who shall refuse to

Penalty for obstructing Officers of Police, &c.

to admit or shall not admit such Officer of Police or Constable into such licensed Inn and Hotel, Public House, or Premises, or shall offer Obstruction to his Admission thereto, shall thereby be guilty of an Offence, and on being convicted thereof shall forfeit and pay a Penalty not exceeding Ten Pounds, and failing immediate Payment of such Penalty shall be imprisoned for a Period not exceeding Sixty Days.

Police to report Persons licensed, from whose Premises Persons in a State of Intoxication have been seen frequently to issue, or against whom there is other Cause of Complaint.

XIV. The Chief Officer of Police of every County, District, Place, and Burgh in *Scotland* shall, on the First lawful Day of every Week, transmit or cause to be transmitted to the Procurator Fiscal appointed by the Justices of the Peace of such County or District, or Procurator Fiscal appointed by the Magistrates of such Burgh, respectively, a written Report containing the Names of all Persons licensed to sell Exciseable Liquors by Retail, from whose Premises Persons in a State of Intoxication have been frequently seen to issue, and of the Manner in which any special Permission granted in virtue of this Act has been exercised, and such Reports shall be brought by such Procurator Fiscal under the Consideration of the Justices of the Peace and Magistrates of every such County and Burgh respectively when assembled to grant and renew Certificates: Provided always, that within Two Days after such Report shall have been lodged with such Procurator Fiscal Notice in Writing, by Post, with Postage prepaid, shall be sent by him, addressed to each licensed Person at his licensed Premises, of his having been so reported on; and such Chief Officer of Police shall also, without undue Delay, report to the Procurator Fiscal or other Party by this Act directed to prosecute Offenders all Offences committed against the recited Acts and this Act, or any of them, coming to his Knowledge, and shall at all Times use the Means within his Control for the Detection, and, when necessary, the Apprehension of all Offenders.

Permitting drinking Exciseable Liquors in a neighbouring House, Shed, &c., with Intent to evade the Provisions of the Act to be deemed drinking on the Premises.

XV. If any Person licensed to sell, by Retail, any Exciseable Liquors, not to be consumed on the Premises, shall take or carry, or authorize or permit or suffer to be taken or carried, any such Exciseable Liquors out of or from the House, Shop, or Premises of such licensed Person, for the Purpose of being sold or hawked on his Account, or for his Benefit or Profit, or for the Purpose of being drunk or consumed for his Benefit or Profit in any other House, or in any Tent, Shed, or other Premises, of any Kind whatever, belonging to such Person, or hired, used, or occupied by him, or in which he may be interested, such Exciseable Liquors shall be deemed and taken to have been drunk or consumed upon the Premises of the Person so licensed, and such Person shall be deemed guilty

guilty of a Breach of his Certificate, and shall be liable in the Penalties and Expenses and Forfeitures for such Offence, as by the recited Acts and this Act provided.

Persons hawking Exciseable Liquors may be apprehended, and on Conviction to be fined or imprisoned.

XVI. Every Person hawking Spirits or other Exciseable Liquors shall thereby be guilty of an Offence, and may be taken into Custody by any Constable or Officer of Police, or, in the Absence of any Constable or Officer of Police, by any Person whomsoever, and may be detained in any Police Office or Station House, or other convenient Place, and not later than in the Course of the First lawful Day after he shall have been so taken into Custody shall be brought before a Justice of the Peace or Magistrate, or if not so taken into Custody, or if he shall have been liberated on Bail or Pledge, may be summoned to appear before a Justice of the Peace or Magistrate, and on being convicted of such Offence shall forfeit and pay a Penalty not exceeding Ten Pounds, and in default of immediate Payment shall be imprisoned for a Period not exceeding Sixty Days.

Penalty on Persons trafficking in Exciseable Liquors without a Certificate.

XVII. Every Person trafficking in any Spirits or other Exciseable Liquors in any Place or Premises without having obtained a Certificate in that Behalf in Terms of this Act shall be guilty of an Offence, and on being convicted thereof shall for each such Offence forfeit and pay the full Penalties provided in the Thirtieth Section of the said first-recited Act, together with the Expenses of Prosecution and Conviction; and in default of immediate Payment thereof shall be imprisoned for the entire Periods respectively, prescribed by the said Thirtieth Section of the said first-recited Act: Provided always, that the Penalty and Term of Imprisonment thereby provided for a Third Offence shall likewise be imposed in the Case of every subsequent Offence.

Sheriff, Magistrate, or Justice may grant Warrant to summon, and Warrant to apprehend.

XVIII. In the Case of any Person complained of for any Offence against the recited Acts or this Act, excepting for Breach of Certificate, it shall be lawful for any Sheriff, or any One Justice or Magistrate to or before whom such Complaint shall have been presented, unless by this Act otherwise provided, to grant Warrant for summoning the Person complained of, upon an Induciæ of not less than Forty-eight Hours, to appear to answer to such Complaint at a Time and Place to be therein specified; and in the Case of any Person complained of for trafficking in Spirits or other Exciseable Liquors in any Place or Premises without having obtained a Certificate in that Behalf, it shall be lawful for any Sheriff or any One Justice or Magistrate, if he shall see fit, instead of granting Warrant to summon such Offender, to grant Warrant to apprehend such Offender to answer to the Complaint, and to be further dealt with as is provided by said recited Acts and this Act.

XIX. In

Proof of trafficking in any Shebeen.

XIX. In order to warrant the Conviction of any Person for trafficking in any Spirits or other Exciseable Liquors in any Place or Premises without a Certificate in that Behalf, it shall be sufficient, in the Absence of contrary Evidence, to prove that some Person other than the Owner or Occupant of such Place or Premises shall at the Time charged have been found in such Place or Premises drunk or drinking, or having had Drink supplied to him therein, and that such Place or Premises is or are by Repute kept as a Shebeen, or at the Time charged contained Drinking Utensils and Fittings usually found in Houses licensed for the Sale of Exciseable Liquors; and every Person found in any Shebeen drunk or drinking shall thereby be guilty of an Offence, and may at the Time be taken into Custody by any Officer of Police or Constable, and detained in any Police Office or Station House, or other convenient Place, and not later than in the course of the first lawful Day after he shall be so taken into Custody shall be brought before a Justice of the Peace or Magistrate, or if not so taken into Custody, or if he shall have been liberated on Bail or Pledge, may be summoned to appear before a Justice of the Peace or Magistrate, and on being convicted of such Offence shall forfeit and pay a Penalty not exceeding Ten Shillings, and in default of immediate Payment thereof shall be imprisoned for a Period not exceeding Ten Days.

Persons found in Shebeens drunk or drinking may be taken into Custody.

Warrant may be granted to seize Exciseable Liquors found in unlicensed Premises.

XX. It shall be lawful for any Justice of the Peace of any County or District, or Magistrate of any Burgh, upon being satisfied by the personal Examination on Oath of a credible Witness that there is reasonable Ground for believing that Exciseable Liquors are trafficked in within any House or other Premises within such County or Burgh, as the Case may be, not licensed for the Sale thereof, or by any Person not having a Licence to sell Exciseable Liquors in or at such House or Premises, or that such Liquors are illegally kept for Sale or for the Purpose of being trafficked in at such House or Premises, to grant Warrant under his Hand authorizing any Chief Constable, Superintendent, Lieutenant, Inspector, or Sergeant of Police, with any Police Officers or Constables to enter such House or Place at all Times and to search for Exciseable Liquors, and if the same be found in such House or Place exceeding One Gallon to seize such Exciseable Liquors, together with the Vessel or Vessels in which the same are contained; and such Warrant shall continue in force for One Month from the Date thereof, and shall be a sufficient Authority to the Chief Constable, Superintendent, Lieutenant, Inspector, or Sergeant of Police therein named, and their Assistants respectively, to enter into

into such House or Place and seize all such Liquors as aforesaid and the Vessels containing the same, and to carry away and retain the same until disposed of as hereinafter provided: And the Person occupying or using the Premises where such Liquors shall be found as aforesaid shall thereby be guilty of an Offence, and on being convicted thereof shall forfeit and pay for the First Offence a Penalty not exceeding Five Pounds nor less than Two Pounds, and in default of immediate Payment shall be imprisoned, with or without Hard Labour, for any Term not exceeding Thirty Days nor less than Ten Days, and for the Second and every subsequent Offence a Penalty not exceeding Ten Pounds nor less than Five Pounds, and in default of immediate Payment shall be imprisoned, with or without Hard Labour, for any Term not exceeding Sixty Days nor less than Thirty Days: And all such Exciseable Liquors and the Vessels containing the same so seized as aforesaid shall be forfeited and sold, without further Warrant, and the Proceeds of such Sale shall be paid into the Rogue Money Funds of the County or Police Funds of the Burgh, and where there are no Police Funds into the Corporation Funds of the Burgh, as the Case may be, in which the Premises in which such Liquors shall have been found are situate. Penalties.

XXI. Every Person who shall be riotous, quarrelsome, or disorderly in any Shop, House, Premises, or Place licensed for the Sale of Spirits, Wine, Porter, Ale, Beer, or other Exciseable Liquors by Retail, whether to be consumed on the Premises or not, and shall refuse or neglect to quit such Shop, House, Premises, or Place upon being requested so to do by the Occupier or Manager thereof, or his Agent or Servant, or by any Constable, and every Person who shall refuse to quit such Shop, Premises, or Place at the Time of closing prescribed by this Act, on being required to do so as aforesaid, shall thereby be guilty of an Offence, and may be taken into Custody by any Officer of Police or Constable, and detained in any Police Office or Station House, or other convenient Place, and not later than in the course of the first lawful Day after he shall have been so taken into Custody shall be brought before a Sheriff or any One Justice of the Peace or Magistrate, or if not so taken into Custody, or if he shall have been liberated on Bail or Pledge, may be summoned to appear before a Sheriff or any One Justice of the Peace or Magistrate, and on being convicted of such Offence shall forfeit and pay a Penalty not exceeding Forty Shillings, and in default of immediate Payment shall be imprisoned for a Period not exceeding Twenty Days; and all Constables are Penalty on disorderly Persons refusing to quit licensed Houses on Request.

are hereby authorized and empowered to assist in expelling such riotous, quarrelsome, or disorderly Person refusing to quit the Premises at the Hour of closing from such Shops, Houses, Premises, and Places.

Persons falsely representing themselves to be Travellers, liable to a Penalty.

XXII. Every Person who by any wilfully false Representation shall induce any Inn and Hotel Keeper, or the Servant of any Inn and Hotel Keeper, to sell or give out to him Exciseable Liquors on any Sunday, or to sell or give out to him Exciseable Liquors on any other Day during Hours when the Sale of Exciseable Liquors, excepting to Lodgers or Travellers, is prohibited by the Certificate of such Inn and Hotel Keeper, shall thereby be guilty of an Offence, and on being convicted thereof by any Sheriff or any one Justice of the Peace or Magistrate shall forfeit and pay a Penalty not exceeding Five Pounds, and in default of immediate Payment shall be imprisoned for a Period not exceeding Thirty Days.

Penalty to Persons found intoxicated and incapable of taking care of themselves.

XXIII. Every Person found in a State of Intoxication, and incapable of taking care of himself, and not under the Care or Protection of some suitable Person, in any Street, Thoroughfare, or Public Place, shall be thereby guilty of an Offence, and may be taken into Custody by any Officer of Police or Constable, and detained in any Police Office or Station House, or other convenient Place, and not later than in the course of the first lawful Day after he shall have been so taken into Custody shall be brought before a Sheriff or any One Justice of the Peace or Magistrate, or if not so taken into Custody, or if he shall have been liberated on Bail or Pledge, may be summoned to appear before such a Sheriff, Justice of the Peace, or Magistrate, and on being convicted of such Offence shall forfeit and pay a Penalty of Five Shillings, and in default of immediate Payment shall be imprisoned for a Period not exceeding Twenty-four Hours.

Penalty for harbouring Constables while on Duty.

XXIV. Every Person licensed to sell Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, or other Exciseable Liquors by Retail, whether to be drunk or consumed on the Premises or not, who knowingly harbours or entertains, or suffers to remain in the licensed Premises wherein he carries on his Business, any Constable during any Part of the Time appointed for his being on Duty, unless for the Purpose of quelling any Disturbances or restoring Order, or otherwise in the Discharge of his Duty, shall be guilty of an Offence, and on being convicted thereof shall forfeit and pay a Penalty not exceeding Five Pounds, and in default of immediate Payment shall be imprisoned for a Period not exceeding Thirty Days.

Procurator Fiscal or other

XXV. Every Person who, after the passing of this Act, shall commit any Breach of Certificate, or who shall in any other Manner

Manner offend against either of the recited Acts or this Act, shall be prosecuted, and all Penalties, together with the Expenses of Prosecution and Conviction to be ascertained on Conviction, shall be recovered, unless by this Act otherwise specially directed or authorized, before the Sheriff or any Two or more Justices of the Peace of the County or any Magistrate of the Burgh having Jurisdiction in the County or Burgh, as the Case may be, in which such Offender shall reside or such Offence shall have been committed, at the Instance of the Procurator Fiscal, or of such other Party as shall be specially appointed to prosecute such Class of Offences by the Justices of the Peace of the County in General Quarter Sessions assembled, or the Magistrates of the Burgh, as the Case may be, and which Appointment they are hereby specially authorized to make, and such Justices of the Peace in General Quarter Sessions, or Magistrates, as the Case may be, shall from Time to Time fix a reasonable Sum in Name of Salary, or a reasonable Rate of Remuneration by Fees for Prosecutions, and all other Business under this Act, to be paid annually to such Procurator Fiscal or other Party appointed to prosecute as aforesaid; and which Salary, or the Amount of the Account of such Fees, as the same shall be taxed by the Clerk of the Peace of the County or District, or the Town Clerk of the Burgh, as the Case may be, together with all necessary and proper Outlays attending such Prosecutions, and also the Execution of the recited Acts and this Act, shall form a proper Charge against, and shall be paid annually out of the Rogue Money, or other Fund of the County out of which the Expenses of Criminal Prosecutions are in use to be paid, and in Burghs out of the Police Funds, or, where there are no Police Funds, out of the Corporation Funds of the Burgh, as the Case may be; and all Penalties and Expenses of Prosecutions and Convictions incurred under and imposed by the recited Acts and this Act shall, when recovered, if adjudged, by any Sheriff, or Justice or Justices of the Peace, or Magistrate of any Burgh or Place other than a Royal or Parliamentary Burgh, be wholly paid into the Rogue Money Fund of the County, and, if adjudged by any Magistrate or Police Judge of any Royal or Parliamentary Burgh, be wholly paid into the Police Funds, or, where there shall be no Police Funds, into the Corporation Funds of the Burgh in which such Penalties shall be imposed respectively.

Party appointed shall prosecute.

Application of Penalties and Expenses.

XXVI. Every Offence committed against the recited Acts and this Act, or any of them, may, except where inconsistent with the Provisions and Conditions of this Act, be tried and determined in a summary Manner, without any written Pleadings,

Offences how to be tried.

ings, or Record, or Notes of Evidence, and before the Courts, and subject to the Provisions and Conditions provided in the said recited Acts or either of them; but in any Prosecution under the recited Acts and this Act, or any of them, the Complaint and Procedure following thereupon shall be in the Form or as nearly as may be in the Form, provided by Schedule (D.) to this Act annexed; and it shall be lawful for the Sheriff, Justice or Justices, Magistrate or Magistrates, before whom such Prosecution is brought, to proceed in absence of the Accused, upon Proof by the Oath of an Officer or Constable that the Accused has been duly summoned, or to issue his or their Warrant for apprehending and bringing the Accused before him or them, as the Case may be.

Power to Justices or Magistrates to summon Witnesses.

XXVII. It shall be lawful for any Justice of the Peace or Magistrate, in any Application for the granting or renewing of a Certificate under the Provisions of the recited Acts or this Act, or in dealing with any Objection to such Applications, or in any other Matter arising under the Provisions of the said recited Acts and this Act, or any of them, to grant Warrant to summon Witnesses and Havers on behalf of any Party interested; and it shall be lawful for the Justice or Justices of the Peace, Magistrate or Magistrates, before whom respectively any such Application, Objection, or Matter shall be depending, to examine all such Witnesses and Havers on Oath or solemn Affirmation, and to do and perform all Things necessary for the due and proper Hearing and Determination of the Cause or Matter: And any Person summoned as a Witness or as a Haver to appear before any Sheriff, Justice or Justices of the Peace, or Magistrate, touching any Matter arising out of the recited Acts or this Act, either on the Part of the Complainer or of the Person complained against, or of any Person interested in such Matter, who shall neglect or refuse to appear at the Time and Place for that Purpose appointed, and who shall not make such reasonable Excuse for such Neglect or Refusal as shall be admitted and allowed by such Sheriff, Justice or Justices, or Magistrate, may, when it shall be proved on Oath that he has been duly summoned at least Twenty-four Hours before the Meeting of the Diet of the Court, be apprehended and committed to Prison under the Warrant of the said Sheriff, Justice or Justices, or Magistrate, till he finds Security to appear and give Evidence; and any Person who shall so neglect or refuse to appear, or who appearing shall refuse to be examined on Oath or solemn Affirmation, shall thereby be guilty of an Offence, and on being convicted thereof shall forfeit and pay any Sum not exceeding Five Pounds, and in default of immediate Payment shall be imprisoned

Punishment of Witnesses refusing to attend or prevaricating.

imprisoned for a Period not exceeding Thirty Days; and if any Person who, under Examination on Oath or solemn Affirmation before any Sheriff, Justice or Justices, or Magistrate, in any Matter arising under the Provisions of the said recited Acts or this Act, shall prevaricate or wilfully conceal the Truth, it shall be lawful to such Sheriff, Justice or Justices, or Magistrate, in open Court, without any formal Complaint and in a summary Manner, to adjudge the Person so offending to be imprisoned for any Period not exceeding Sixty Days, or to forfeit and pay a Penalty not exceeding Five Pounds, and in default of immediate Payment to be imprisoned for a Period not exceeding Thirty Days, and the Sentence awarding such Punishment shall set forth shortly the Nature of the Offence.

Power to adjourn Trials and detain Offenders.

XXVIII. It shall be lawful for the Justice or Justices of the Peace, Sheriff, or Magistrate before whom any Person may be brought for Trial for any Offence against the recited Acts and this Act, or any of them, to adjourn the hearing of the Complaint from Time to Time as may be deemed necessary, and also, if considered fit, to order the Detention of such Person in Prison, or in any Police Office or Station House, till the next Diet of Court, unless Bail is found, or a Pledge given to an Amount not exceeding the maximum Penalty concluded for.

Offences may be prosecuted at Common Law.

XXIX. Nothing contained in the recited Acts or this Act shall prevent anything done which may be an Offence under this Act, but which might have been prosecuted and punished as an Offence at Common Law, or under any other Act, if this Act had not passed, from being so prosecuted and punished as if this Act had not passed.

Offences may be tried in Police Courts.

XXX. For the purpose of trying Offences against the recited Acts and this Act, or any of them, except in Cases of Breach of Certificate and of imposing Penalties and declaring Forfeitures under the same, the Expressions "Magistrate of any Burgh," "Magistrate," and "Magistrates," shall include any Judge officiating in any Court for the Trial of Police Offences under the Provisions of any Local or General Police Act; and all such Offences committed within the Jurisdiction of any such Judge may be tried by and before him in any such Court, at the instance of the Procurator Fiscal or other Party acting as Prosecutor under the Twenty-fifth Section of this Act: And every Person offending against the Sixteenth, Nineteenth, Twenty-first, and Twenty-third Sections of this Act may, if such Procurator Fiscal or Prosecutor shall choose so to do, be prosecuted before the Court, and in the Manner provided for the Trial of Police Offences by any General or Local

Offences specified in Sections 16, 19, 21, & 23 of this Act may be

tried in Police Courts.

Local Police Act in force in the County, District, or Burgh or Place where the Offender shall reside or the Offence shall have been committed, instead of as herein otherwise provided.

Warrants, &c. may be enforced in other Counties, &c.

XXXI. All Warrants, Orders, Interlocutors, Judgments, Sentences, and Decreets of Sheriffs, Justices, and Magistrates, issued or pronounced under the Authority of the recited Acts or of this Act, may be executed and enforced in any County, District, Burgh, or Jurisdiction other than that in which they were so issued or pronounced, provided the Concurrence of the Sheriff or any One Justice of the Peace or Magistrate of such other County, District, Burgh, or Jurisdiction respectively be endorsed thereon, by any Constable or Officer of Court of the original or of any other County, District, Burgh, or Jurisdiction, and which Concurrence all Sheriffs, Justices of the Peace, and Magistrates are hereby authorized to grant.

Fees to Clerks not to be more than authorized by Schedule (E.) to this Act.

XXXII. It shall not be lawful for the Clerk of the Peace, or Sheriff Clerk of any County or District, or the Town Clerk of any Burgh, to demand or receive any greater or additional Fee or Remuneration for anything done under the recited Acts or this Act than is authorized by the Schedule (E.) to this Act annexed, and the Town Clerks of those Parliamentary Burghs the Magistrates of which are not at present authorized to grant Certificates shall pay to the present Clerks of the Peace in the Counties within which such Burghs are situated One Half of the Fees received by such Town Clerks in respect of Applications for Certificates and Disposal of the same under this Act and the Acts herein recited, during the Time such Clerks of the Peace shall continue to hold Office.

Power to Persons to appeal from Decisions of Sheriffs, &c. to Circuit Courts, &c.

XXXIII. It shall be competent to any Person conceiving himself aggrieved by any Warrant, Sentence, Order, Decree, Judgment, or Decision made or given by any Sheriff, Justice or Justices of the Peace, or Magistrate, in any Cause, Prosecution, or Complaint raised under the Authority of the recited Acts or of this Act, for Breach of Certificate, or for trafficking in Spirits or other Excisable Liquors without a Certificate, to bring the Case by Appeal before the next Circuit Court of Justiciary, or where there are no Circuit Courts, before the High Court of Justiciary at *Edinburgh*, in the Manner, and by and under the Rules, Limitations, Conditions, and Restrictions which shall from Time to Time be prescribed by the said High Court of Justiciary: Provided always, that such Appeal shall be competent, only when founded on the Ground of Corruption or Malice and Oppression on the Part of the Sheriff, Justice or Justices of the Peace, or Magistrate, as the Case may be, or on such Deviations in point of Form from the statutory Enactments as the Court shall think have prevented

vented substantial Justice from having been done: Provided also, that such Appeals shall be heard and determined in open Court, and that it shall be competent to the Court to correct such Deviation in point of Form: Provided further, that Notice in Writing of such Appeal shall be given to the opposite Party, and to the Clerk of the Court pronouncing such Warrant, Sentence, Order, Decree, Judgment, or Decision, within Eight Days of the Date thereof, and that no Appeal shall be received or entertained unless the Party appealing shall, along with his Appeal, deposit with the Clerk of the Circuit Court or of the High Court of Justiciary, as the Case may be, a Certificate under the Hand of the Sheriff Clerk, Town Clerk, or Clerk of the Peace, or Clerk to the Magistrates, as the Case may be, that he has made Consignation in the Hands of such Clerk of the whole Sum and Expenses, if any, decerned for by the Warrant, Sentence, Order, Decree, Judgment, or Decision appealed from, and unless he shall have found sufficient Security for the whole Expenses which may be incurred and found due under the Appeal: Provided always, that nothing herein contained shall be held to exclude or interfere with the Right of Appeal to Quarter Sessions which at present exists, provided the Appellant shall forthwith deposit with the Clerk of the Peace the Amount of Penalty and Costs awarded against him.

Sentences and Judgments not subject to Review except as provided by this Act.

XXXIV. No Warrant, Sentence, Order, Decree, Judgment, or Decision made or given by any Quarter Sessions, Sheriff, Justice or Justices of the Peace, or Magistrate in any Cause, Prosecution, or Complaint, or in any other Matter under the Authority of the said recited Acts or of this Act, shall be subject to Reduction, Advocation, Suspension, or Appeal, or any other Form of Review or Stay of Execution, on any Ground or for any Reason whatever, other than by this Act provided.

Limitation of Actions.

XXXV. Every Action or Prosecution against any Sheriff, Justice or Justices of the Peace, Magistrate, or Judge acting under any General or Local Police Act, or against any Sheriff Clerk, Clerk of the Peace, or Town Clerk, or any Procurator Fiscal, Superintendent, or other Officer of Police, or Constable, or other Person, on account of anything done in execution of the recited Acts and this Act, or any of them, shall be commenced within Two Months after the Cause of Action or Prosecution shall have arisen, and not afterwards.

Nothing to repeal or affect recited Act, except to

XXXVI. Nothing herein contained shall be held to repeal or affect the Provisions of the recited Acts or either of them, except in so far only as shall be necessary to give Effect to the Provisions of this Act; and the Provisions and Enactments

give Effect to this Act.

ments contained in the recited Acts, so far as not repealed, shall extend, and be construed, deemed, and taken to extend, to and form Part of this Act, in the same Manner and as fully and to all Intents and Purposes as if the said Provisions and Enactments were herein repeated and set forth at Length.

Interpretation of Terms.

XXXVII. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

The Expression "Inn and Hotel" shall in Towns and the Suburbs thereof refer to a House containing at least Four Apartments set apart exclusively for the Sleeping Accommodation of Travellers; and in Rural Districts and populous Places not exceeding One thousand Inhabitants, according to the Census last before taken, to a House containing at least Two such Apartments:

The Word "Shebeen" shall mean and include every House, Shop, Room, Premises, or Place in which Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, or other Exciseable Liquors are trafficked in by Retail without a Certificate and Excise Licence in that Behalf:

The Expression "trafficking" shall mean and include bartering, selling, dealing in, trading in, exposing or offering for Sale by Retail:

The Word "hawking" shall mean and include trafficking in or about the Streets, Highways, or other Places, or in or from any Boat or other Vessel upon the Water:

The Word "Certificate" shall mean any Certificate in Terms of this Act:

The Word "Sheriff" shall mean and include Sheriff Substitute:

The Word "Burgh" shall mean and include any Royal or Parliamentary Burgh, and the Boundaries of such Parliamentary Burghs shall for the Purposes of this and the recited Acts be the same as those within which the Magistrates of such Burghs have Jurisdiction in Matters of Police:

The Word "Constable" shall mean and include Officers of Court, Chief Constable, Superintendent of Police, and every Grade of Constable or Police Officer, or any Person belonging to any Constabulary Force in any Part of *Scotland*, as also any Sheriff Officer or Justice of Peace Constable.

Commencement of Act.

XXXVIII. This Act shall commence and take effect from and after the First Day of *September* next after the passing thereof.

XXXIX. This

XXXIX. This Act may be cited for all Purposes as "The Public Houses Acts Amendment (*Scotland*) Act, 1862." Short Title

SCHEDULE (A.)

No. 1.

FORM OF CERTIFICATE FOR INNS AND HOTELS.

At a General Meeting for granting and renewing Certificates for the Sale of Exciseable Liquors held by Her Majesty's Justices of the Peace acting in and for the County [*or* of the Magistrates of the Burgh, *as the Case may be*,] of holden at within the said County [*or* Burgh] on the Day of in the Year One thousand eight hundred and Her Majesty's Justices of the Peace acting in and for said County [*or* the Magistrates of the said Burgh] assembled at the said Meeting did authorize and empower *A.L.*, now dwelling at , to keep an Inn and Hotel at in the parish of and County aforesaid [*or* Burgh aforesaid] for the Sale in the said House, but not elsewhere, of Victuals and of Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, or other Exciseable Liquors, [*or* of Victuals, and of Porter, Ale, Beer, Cyder, or Perry,] [*or* of Victuals, Wine, Porter, Ale, Beer, Cyder, or Perry,] provided the said *A.L.* shall be licensed and empowered to sell such Liquors under the Authority and Permission of any Excise Licence to him or her in that Behalf granted, on the Terms and Conditions following; that is to say, that the said *A.L.* do not fraudulently adulterate the Bread or other Victuals or Liquors sold by him, or sell the same knowing them to have been fraudulently adulterated; and do not use in selling the same any Weight or Measure which is not of the legal Imperial Standard; and do not sell any Groceries or other uncooked Provisions in the said House or Premises, to be consumed elsewhere; and do not knowingly permit any Breach of the Peace, or riotous or disorderly Conduct, within the said House or Premises; and do not knowingly permit or suffer Men or Women of notoriously bad Fame, or Girls or Boys, to assemble and meet therein; and do not supply Exciseable Liquors to Girls or Boys apparently under Fourteen Years of Age, or to Persons who are in a State of Intoxication; and do not permit or suffer any unlawful Games therein; and do not keep open House, or permit or suffer any Drinking on any Part of the Premises belonging

belonging thereto, or sell or give out therefrom any Liquors, before Eight of the Clock in the Morning, or after Eleven of the Clock at Night, of any Day, with the Exception of Refreshment to Travellers or to Persons requiring to lodge in the said House or Premises; and do not open his House for the Sale of any Exciseable Liquors, or permit or suffer any Drinking therein or on the Premises belonging thereto, or sell or give out the same, on Sunday, except for the Accommodation of Lodgers and Travellers; and do maintain good Order and Rule within his House and Premises; and, lastly, do not transgress or commit any Breach of the Conditions of any Permission to sell on a public or special Occasion within his own House or elsewhere. This Certificate to continue in force, upon the Terms and Conditions aforesaid, from the Day of One thousand eight hundred and and until the Day of One thousand eight hundred and and no longer.

The above Certificate is made out according to the Deliverance in the Book or Register appointed to be kept in Terms of the Act of Parliament.

C.D., Clerk.

No. 2.

Form of Certificate for Public Houses.

At a General Meeting for granting and renewing Certificates for the Sale of Exciseable Liquors held by Her Majesty's Justices of the Peace acting in and for the County [*or* of the Magistrates of the Burgh, *as the Case may be*,] of holden at within the said County [*or* Burgh] on the Day of in the Year One thousand eight hundred and Her Majesty's Justices of the Peace acting in and for the said County [*or* the Magistrates of the said Burgh] assembled at the said Meeting did authorize and empower [*A.L.*], now dwelling at , to keep a Public House at in the Parish of and County [*or* Burgh] aforesaid for the Sale in the said House, but not elsewhere, of Victuals, and of Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, and other Exciseable Liquors, [*or* of Victuals, and of Porter, Ale, Beer, Cyder, or Perry,] [*or* of Victuals, Wine, Porter, Ale, Beer, Cyder, or Perry,] provided that the said *A.L.* shall be licensed and empowered to sell such Liquors under the Authority and Permission of any Excise Licence to him in that Behalf granted, on the Terms and Conditions following; that

that is to say, that the said *A.L.* do not fraudulently adulterate the Bread or other Victuals or Liquors sold by him, or sell the same knowing them to have been fraudulently adulterated; and do not use in selling the same any Weight or Measure which are not of the legal Imperial Standard; and do not sell any Groceries or other uncooked Provisions in the said House or Premises, to be consumed elsewhere; and do not knowingly permit any Breach of the Peace, or riotous or disorderly Conduct, within the said House or Premises; and do not permit or suffer Men or Women of notoriously bad Fame, or Girls or Boys, to assemble and meet therein; and do not sell or supply Exciseable Liquor to Girls or Boys apparently under Fourteen Years of Age, or to Persons who are in a State of Intoxication, and do not receive or take in, as the Price or for the Supply of Exciseable Liquors, any Wearing Apparel, Goods, or Chattels; and do not permit or suffer any unlawful Games therein; and do not keep open House, or permit or suffer any Drinking in any Part of the Premises belonging thereto, or sell or give out therefrom any Liquors, before Eight of the Clock in the Morning, or after Eleven of the Clock at Night, of any Day; and do not open his House for the Sale of any Liquors, or permit or suffer any Drinking therein, or on the Premises thereto belonging, or sell or give out the same, or any other Goods or Commodities, on Sunday; and, lastly, do not transgress or commit any Breach of the Conditions of any Permission to sell on a public or special Occasion within his own House or elsewhere; and do maintain good Order and Rule within his House and Premises. This Certificate to continue in force, upon the Terms and Conditions aforesaid, from the Day of One thousand eight hundred and and no longer.

The above Certificate is made out according to the Deliverance in the Book or Register appointed to be kept in Terms of the Act of Parliament.

C.D., Clerk.

No. 3.

FORM OF CERTIFICATE FOR DEALERS IN EXCISEABLE LIQUORS, AND GROCERS AND PROVISION DEALERS TRADING IN EXCISEABLE LIQUORS.

At a General Meeting for granting or renewing Certificates for the Sale of Exciseable Liquors held by Her Majesty's Justices of the Peace acting in and for the County [*or* of the Magistrates of the Burgh, *as the Case may be,*] of holden at within the said County [*or* Burgh] on

on the Day of in the Year One thousand eight hundred and Her Majesty's Justices of the Peace acting in and for the said County [*or* the Magistrates of the said Burgh] assembled at the said Meeting did authorize and empower *A.L.*, now dwelling at , to keep Premises at in the Parish and County aforesaid [*or* Burgh aforesaid] for the Sale therein, but not elsewhere, of Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, or other Exciseable Liquors, [*or* of Porter, Ale, Beer, Cyder, or Perry,] [*or* of Wine, Porter, Ale, Beer, Cyder, or Perry,] provided the said *A.L.* shall be licensed and empowered to sell such Liquors under the Authority and Permission of any Excise Licence to him in that Behalf granted, on the Terms and Conditions following; that is to say, that the said *A.L.* do not fraudulently adulterate the Liquors sold by him, or sell the same knowing them to have been fraudulently adulterated; and do not use in selling the same any Weight or Measure which is not of the legal Imperial Standard; and do not knowingly permit any Breach of the Peace, or riotous or disorderly Conduct, within the said Premises; and do not sell or supply Exciseable Liquors to Persons who are in a State of Intoxication, or to Girls or Boys apparently under Fourteen Years of Age, and do not traffick in or give any Spirits, Wine, or other Exciseable Liquors, [*or* Wine, Porter, Ale, Beer, Cyder, and Perry,] [*or* Porter, Ale, Beer, Cyder, and Perry,] to be drunk or consumed on the said Premises, and do not receive or take in, as the Price or for the Supply of Exciseable Liquors, any Wearing Apparel, Goods, or Chattels; and do not traffick in or give out therefrom any Liquors before Eight of the Clock in the Morning, or after Eleven of the Clock at Night, of any Day; and do not open his Premises for Business, or for the Sale of any Liquors or any Goods or Commodities whatsoever, or sell or give out the same, on Sunday; and, lastly, do maintain good Order and Rule within his Premises. This Certificate to continue in force, upon the Terms and Conditions aforesaid, for One Year from the Day of One thousand eight hundred and .

The above Certificate is made out according to the Deliverance in the Book or Register appointed to be kept in Terms of the Act of Parliament.

C.D., Clerk.

SCHE-

SCHEDULE (B.)

No. 1.

Unto the Honourable Her Majesty's Justices of the Peace for [*or* the Magistrates of the Burgh of]

The Application of [*state full Name, Designation, and present Place of Abode of Applicant*].

Humbly sheweth,

That the Applicant is desirous to obtain a Certificate for Licence for [an Inn and Hotel, *or* Public House, *or* a Dealer in Groceries and Provisions, *as the Case may be,*] at [*Place or Street, and Number*] in the Parish [*or* Burgh] of , and County of , for the ensuing Year [*or* Half Year, *as the Case may be*], in Terms of the "Public Houses Acts Amendment (Scotland) Act, 1862," and Acts therein recited, and refers to the Answers which are truly made to the subjoined Queries:

State whether it is a Renewal of a Certificate at present in Applicant's Name, or in that of another Party, or Renewal of a transferred Certificate, or a Certificate for a new House, that Applicant desires -

Whether Applicant has attained Twenty-one Years of Age -

Whether bred to the Trade; or if not, to what other Trade or Business - - -

Whether Applicant carries on or intends to carry on or follow any other Trade or Occupation - - - -

Whether Applicant holds a Licence at present; and if so, state where the Premises are situated, and how long he has held the same - -

Whether Applicant has any Interest in any other Business in

Premises

Premises at present licensed, or for which a Certificate is sought; and if so, where those Premises are severally situated
State the actual Rent of Premises, and the Proprietor's or Factor's Name and Designation - - - -

Signature of Applicant.

Date

No. 2.

REPORT BY JUSTICE OR MAGISTRATE.

I, One of Her Majesty's Justices of the Peace for [*or* One of the Magistrates of the Burgh of *as the Case may be*], hereby report that I personally examined the Premises described in the foregoing Application, and that the same are of suitable Construction and Accommodation for the Purpose applied for, reserving to the Justices [*or* Magistrates, *as the Case may be*,] to determine whether it be meet and convenient to grant the Certificate applied for.

J. P. *or* Magistrate.

CERTIFICATE OF CHARACTER AND QUALIFICATION.

I, One of Her Majesty's Justices of the Peace for [*or* One of the Magistrates of the Burgh of *as the Case may be*], certify, after careful Inquiry, that , designed in the foregoing Application, is [*here state the Result of Inquiry touching Applicant's Character and Qualification*].

J. P. *or* Magistrate.

SCHE-

SCHEDULE (C.)

LIST of APPLICATIONS for CERTIFICATES for the Sale of Exciseable Liquors for the County [*or* of the County] of *or* Burgh of , for new Premises, by new Tenants or Occupants, and for Renewal of transferred Certificates.

Name, Designation, and Residence of Applicant.	Number of Street of Burgh (or Place and Parish of County) of Premises.	Class of Certificate applied for.	Name and Address of Landlord or Factor of Premises.
	For new Premises.		
	By new Tenants or Occupants.		
	For Renewal of transferred Certificate.		

SCHE-

SCHEDULE (D.)

No. 1.

COMPLAINT.

Unto the Honourable Her Majesty's Justices of the Peace for the County of , [*or* Sheriff of the County of *or* Magistrates of the Burgh of *as the Case may be*].

Humbly complains *A.B.*

Procurator Fiscal of Court, [*or other Party appointed to prosecute, as the Case may be,*] for the Public Interest:

That *C.D.* [*Designation*] [*in the Case of a Breach of Certificate state here* " who holds a Certificate for the Sale of Excise-able Liquors at [*name the Place*] "] has been guilty of an Offence against the Laws for the Regulation of Public Houses in Scotland, in so far as [*here state the Particulars of the Offence, specifying the Place and Time thereof, and in the Case of a Breach of Certificate, or trafficking without a Certificate, add,* such Offence is the " First," " Second," " Third," *or* " an Offence subsequent to the Third " Offence, *as the Case may be*].

May it therefore please your Honour [*or* Lordship, *as the Case may be,*] to grant Warrant to Summon the said to appear before you [*or* to apprehend the said and bring him before you] to answer to this Complaint, and to be dealt with in Terms of the Public Houses Acts Amendment (Scotland) Act, 1862, and the Acts therein recited [*if the Certificate be declared to be forfeited, add,* " and further adjudge his Certificate to be forfeited, and null and void."]

A.B.

No. 2.

WARRANT TO SUMMON.

[*Place and Date.*]

The Justice [*or* Sheriff *or* Magistrate] grants Warrant to Officers of Court to serve a Copy of this Complaint and of this Deliverance upon the therein named and designed *C.D.*, and to cite him to appear personally to answer thereto at [*here state the Place*] upon the Day of at of the Clock noon, with Certification, and also to cite Witnesses and Havers for both Parties for the same Time and Place.

G.H.,
J. P. *or* Sheriff *or* Magistrate.

No. 3.

No. 3.

WARRANT TO APPREHEND.

[*Place and Date.*]

The Justice [*or* Sheriff *or* Magistrate] grants Warrant to Officers of Court to search for and apprehend *C.D.*, named and designed in the foregoing Complaint, and, if necessary for that Purpose, to open any Shut or Lock-fast Places, and to bring him before any One or more, as may be competent, of Her Majesty's Justices of the Peace for the County of [*or* the Sheriff of the County of *or* a Magistrate of the Burgh of] to answer thereto at the [*name the Place or Court House*], and also to cite Witnesses and Havers for both Parties for all Diets in the Case.

G.H.,
J. P. *or* Sheriff *or* Magistrate.

No. 4.

CITATION.

To *C.D.* [*Designation.*]

Take notice, That you will have to appear personally at the Place and Time specified in the foregoing Warrant to answer to the Complaint to which this Notice is attached, with Certification.

This I do this Day of

J.K.,
Officer of Court.

No. 5.

MINUTE OF COURT PROCEDURE.

(When Accused appears.)

At the Day of 18 , in the Presence of of Her Majesty's Justices of the Peace for the County of [*or* Sheriff *or* Magistrate], appeared *C.D.* complained against; and the Complaint being read over to him he answers that he is Guilty [*or* Not Guilty].

[*If Accused pleads Not Guilty.*]

The Witness [*or* Witnesses] after named was examined upon Oath in support of the Complaint; viz.,

And the Witness [*or* Witnesses] after named was examined upon Oath in Exculpation; viz.,

(When

(When Accused is absent.)

At the Day of
18 , in Presence of
of Her Majesty's Justices of the Peace for the County of
[*or* Sheriff *or* Magistrate], *C.D.* complained against having failed to appear, and after Proof by the Oath of Officer of Court that such Officer had duly summoned the said *C.D.*:

The Witness [*or* Witnesses] after named was examined upon Oath in support of the Complaint; viz.,

No. 6.

CONVICTION.

The Justices [*or* Justice *or* Sheriff *or* Magistrate] in respect of the judicial Confession of the said *C.D.* [*or* of the Evidence adduced] convict the said *C.D.* of the Offence charged [being a Offence], and adjudge him to forfeit and pay to the Complainer the Sum of of Penalty, [*if Expenses shall be awarded*] with the Sum of of Expenses]; and in default of [immediate] Payment thereof [*or if Time is allowed, state* within Days from this Date,] adjudge him to be committed to the Prison of
for the Period of from the Date of his Incarceration, unless said Sum [*or* Sums] shall be sooner paid, and grant Warrant to Officers of Court to apprehend him, and convey him to said Prison, and to the Keeper thereof to receive and detain him accordingly.

If against a Party holding a Certificate (*if the Certificate be declared to be forfeited*) *add*, "and further adjudge his Certificate to be void and null from this Date."

A.B., J.P.,
or
G.H., J.P.,
M.N., J.P.,
or Sheriff *or* Magistrate.

SCHEDULE (E.)

The following FEES, and no others, to be payable to Clerks of the Peace, Sheriff Clerks, and Town Clerks, acting under this Act or the Acts therein recited.

	£	s.	d.
Each printed Copy of Form of Application for Certificate - - - - -	0	0	6
Lodging Application - - - - -	0	2	6

Lodging

	£	s.	d.
Lodging Objection (under Section 11) - -	0	2	6
Inspection of Register, or Applications, for each Hour or Part of an Hour - - -	0	1	0
Warrant on Complaint - - -	0	2	0
Each Witness examined in Trials - -	0	1	0
Conviction - - - - -	0	2	6
Deciding Objections (under Section 11) -	0	1	0
Lodging Appeal and finding Caution - -	0	3	0
Deciding Appeal - - - -	0	2	6
Extracts or certified Copies of any Proceedings, Warrants, or Conviction, per Sheet, written or printed, of 150 Words - - -	0	1	0

CAP. XXXVI.

An Act to appropriate certain Portions of Land lying between High and Low Water Mark, situate in the Parishes of Shoebury *and* Wakering *in the County of* Essex, *as Ranges for the Use and Practice of Artillery.*—[17*th* July 1862.]

CAP. XXXVII.

An Act to remove Doubts concerning, and to amend the Law relating to, the private Estates of Her Majesty, Her Heirs and Successors.—[17*th* July 1862.]

WHEREAS by the Fifth Section of the Act passed in the First Year of the Reign of Her Majesty Queen *Anne*, Chapter Seven, and intituled *An Act for the better Support of Her Majesty's Household, and of the Honour and Dignity of the Crown*, it was enacted, that every Grant, Lease, or other Assurance which from and after the Twenty-fifth Day of *March* One thousand seven hundred and two should be made or granted by Her said Majesty, Her Heirs or Successors, Kings or Queens of this Realm, under the Great Seal of *England*, Exchequer Seal, Seals of the Duchy and County Palatine 1 Anne, c. 7. s. 5.

Palatine of *Lancaster* or any of them, or by Copy of Court Roll, or otherwise howsoever, of any Manors, Messuages, Lands, Tenements, Rents, Tithes, Woods, or other Hereditaments, (Advowsons of Churches and Vicarages only excepted,) within the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick-upon-Tweed*, or any of them, or any Part thereof, then belonging or thereafter to belong to Her Majesty, Her Heirs or Successors, or to any other Person or Persons in trust for Her Majesty, Her Heirs or Successors, in possession, reversion, remainder, use, or expectancy, whether the same were or should be in right of the Crown of *England* or as Part of the Principality of *Wales* or of the Duchy or County Palatine of *Lancaster*, or otherwise howsoever, to any Person or Persons, Body Politic or Corporate whatsoever, whereby any Estate or Interest whatsoever in Law or in Equity should or might pass from Her Majesty, Her Heirs or Successors, should be utterly void and of none Effect, unless such Grant, Lease, or Assurance should be made for some Term or Estate not exceeding Thirty-one Years or Three Lives, or for some Term of Years determinable on One, Two, or Three Lives, and unless such Grant, Lease, or Assurance respectively should be made to commence from the Date of making thereof, and if such Grant, Lease, or Assurance should be made to take effect in reversion or expectancy, that then the same, together with the Estate or Estates in possession of and in the Premises therein contained, should not exceed Three Lives or the Term of Thirty-one Years in the whole; and it was by Section Seven of the same Act enacted, that all Gifts, Grants, Alienations, Leases, and Assurances whatsoever to be had or made of any the said Manors, Messuages, Lands, Tenements, Rents, Tithes, or other Hereditaments, or of any of the Revenues therein mentioned, or Branches, or any part thereof, contrary to the Provisions of the now reciting Act, or any of them, should be null and void without any Inquisition, Scire facias, or other Proceeding to determine or make void the same: And whereas by the Act passed in the First Year of the Reign of His Majesty King *George* the Third, Chapter One, and intituled *An Act for the Support of His Majesty's Household, and the Honour and Dignity of the Crown of* Great Britain, it was enacted, that the Revenue arising to His Majesty by Rents of Lands or for Fines of Leases of the same, or any of them, (except the Revenue of the Duchy of *Cornwall*,) should, from and immediately after the Demise of His then late Majesty King *George* the Second, be during His Majesty's Life carried to and made Part of the General Aggregate Fund established by the Act of the First Year of the Reign of His late

1 Anne, c. 7. s. 7.

1 G. 3. c. 1.

late Majesty King *George* the First, and be during the said Term issued and applied, in the Manner therein-after mentioned, to the Uses to which the said Fund was or should be made applicable: And whereas by the Act passed in the Thirty-fourth Year of the Reign of His Majesty King *George* the Third, Chapter Seventy-five, and intituled *An Act for the better Management of the Land Revenue of the Crown, and for the Sale of Fee-farm and other unimproveable Rents*, further Provisions were made touching Grants, Leases, and other Assurances which should be made or granted by His Majesty, His Heirs or Successors, under the Great Seal, or Seal of the Exchequer, or either of them, of any Manors, Messuages, Lands, Tenements, or Hereditaments, within the Kingdom of *England* and Dominion of *Wales*, or any of them, or any part thereof then belonging or thereafter to belong to His Majesty, His Heirs or Successors, and being within the ordering and Survey of the Exchequer in *England*: And whereas by the Act passed in the Session of Parliament held in the Thirty-ninth and Fortieth Years of the Reign of His Majesty King *George* the Third, Chapter Eighty-eight, intituled *An Act concerning the Disposition of certain Real and Personal Property of His Majesty, His Heirs and Successors, and also of the Real and Personal Property of Her Majesty and of the Queen Consort for the Time being*, it was enacted, that none of the Provisions or Restrictions contained in the said Acts of the First Year of Her said Majesty Queen *Anne* and the First and Thirty-fourth Years of the Reign of His then Majesty, should extend to any Manors, Messuages, Lands, Tenements, or Hereditaments, of whatsoever Tenure the same might be, which had at any Time theretofore been purchased by His Majesty, or should at any Time thereafter be purchased by His Majesty, His Heirs or Successors, out of any Monies issued and applied for the Use of His or Their Privy Purse, or with any other Monies not appropriated to any Public Service, or to any Manors, Messuages, Lands, Tenements, or other Hereditaments, of whatsoever Tenure the same might be, which had come to His Majesty, or should or might come to Him or His Heirs or Successors, by the Gift or Devise of, or by Descent or otherwise from any of His, Her, or Their Ancestors, or any other Person or Persons not being Kings or Queens of this Realm; and it was thereby declared, that the Intent of that Enactment was that the same should operate to all Intents and Purposes as from the Birth of His then Majesty; and by the same Act certain Powers of Disposition were given to His Majesty, His Heirs or Successors, over such Manors, Messuages, Lands, Tenements, and Hereditaments as are therein mentioned

34 G. 3. c. 75.

39 & 40 G. 3. c. 88.

mentioned as aforesaid, and other Provisions were thereby enacted concerning the same: And whereas by the Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, Chapter Eighteen, intituled *An Act concerning the Disposition of certain Property of His Majesty, His Heirs and Successors,* it was enacted that all the Powers given to and vested in His Majesty, His Heirs and Successors, by the said Act of the Thirty-ninth and Fortieth *George* the Third, Chapter Eighty-eight, over the Manors, Messuages, Lands, Tenements, and Hereditaments purchased or to be purchased by Him or Them, or coming to Him or Them in manner in the same Act mentioned, and all other the Provisions of the same Act touching and concerning the same, should be and the same Powers and Provisions were by the now reciting Act extended to, and should be deemed, construed, and taken to extend and apply to all Manors, Messuages, Lands, Tenements, and Hereditaments, whether of Freehold or Copyhold or Customary or Leasehold Tenure, whereof His Majesty, or any Person or Persons in trust for Him, at the Time of His Accession to the Crown of this Realm, or whereof His Heirs or Successors, or any Person or Persons in trust for Them, at the Time of Their respective Accessions to the Crown of this Realm, was, were, or should be seised and possessed, and which before such Accession He or They respectively might have legally granted, sold, given, or delivered: And whereas by the Fourth Section of the Act passed in the Session of Parliament held in the First and Second Years of the Reign of Her present Majesty Queen *Victoria*, Chapter Ninety-five, intituled *An Act to provide for the Payment of certain Pensions,* after reciting the Seventh Section of the said Act of the First Year of Her Majesty Queen *Anne*, Chapter Seven, and that it was expedient to extend the said Provision to *Ireland* and *Scotland*, it was enacted, that the said Provision should be deemed and taken to extend to all Parts of the United Kingdom: And whereas it is doubtful whether the Provisions and Restrictions contained in the said Act of the First Year of Her Majesty Queen *Anne* may not be held to have been by the said Act of the First and Second Years of Her present Majesty Queen *Victoria*, Chapter Ninety-five, extended to the private Estates of Her Majesty, Her Heirs or Successors: And whereas it is expedient that such Doubts should be removed, and that such Provisions should be made concerning the private Estates of Her Majesty, Her Heirs or Successors, as are herein-after contained: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons,

4 G. 4. c. 18.

1 & 2 Vict. c. 95. s. 4.

in

in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation of Terms.

I. That in the Construction of this Act the Expression "private Estates of Her Majesty, Her Heirs or Successors," shall mean (unless controlled or confined to a more limited Sense by express Words or the Context) any Manors, Messuages, Lands, Tenements, Leases and Hereditaments, and other Real or Heritable Property and Estate, of whatsoever Tenure the same may be, whether situate or arising in *England*, *Scotland*, or *Ireland*, or in any other Part of Her Majesty's Dominions, which have at any Time heretofore been purchased or acquired by Her Majesty, or shall at any time hereafter be purchased or acquired by Her Majesty, Her Heirs or Successors, out of any Monies issued and applied for the Use of Her or Their Privy Purse, or with any other Monies not appropriated to any Public Service, and any Manors, Messuages, Lands, Tenements, Leases, and Hereditaments, and other Real or Heritable Property and Estate, of whatsoever Tenure the same may be, whether situate or arising in *England*, *Scotland*, or *Ireland*, or in any other Part of Her Majesty's Dominions which have come to Her Majesty, or shall or may come to Her Majesty, or Her Heirs or Successors, by the Gift or Devise or Disposition of, or by Descent, Inheritance, or Succession, or otherwise, from any of Her or Their Ancestors, or any other Person or Persons not being Kings or Queens of this Realm, and any Manors, Messuages, Lands, Tenements, Leases, and Hereditaments, and other Real or Heritable Property and Estate, of whatsoever Tenure the same may be, and whether situate or arising in *England*, *Scotland*, or *Ireland*, or in any other Part of Her Majesty's Dominions, which did or shall belong to Her Majesty, or Her Heirs or Successors, or to any Person or Persons in trust for Her or Them, at the Time of Her or Their respective Accessions to the Crown of this Realm, and which before such Accession She or They respectively might have legally granted, sold, given, devised, disposed, or conveyed.

Restrictions of 1 Anne c. 7, and 1 G. 3. c. 1, and 34 G. 3. c. 75, not to extend to the private Estates of the Sovereign.

II. None of the Provisions or Restrictions contained in the said Acts of the First Year of Her Majesty Queen *Anne* and the First and Thirty-fourth Years of His Majesty King *George* the Third, or in any other Act or Acts of Parliament relating to any Manors, Messuages, Lands, Tenements, Leases, or Hereditaments, or other Real or Heritable Property or Estate vested in or belonging to Her Majesty, Her Heirs or Successors, in right of the Crown of this Realm, do or shall extend to the private Estates of Her Majesty, Her Heirs or Successors.

Leasehold Estates

III. Such private Estates of Her Majesty, Her Heirs or Successors, situate or arising in any Part of Her Majesty's Dominions,

(other than in Scotland) to be vested in Trustees.

ions, except *Scotland*, as are or shall be of Leasehold Tenure, shall be vested in some Trustee or Trustees for Her Majesty, Her Heirs and Successors respectively, from Time to Time to be respectively named or appointed by Instrument in Writing under the Sign Manual of Her Majesty, Her Heirs and Successors respectively, in the same Manner as if the Second Section of the said Act of the Thirty-ninth and Fortieth Years of His Majesty King *George* the Third, Chapter Eighty-eight, had extended to all such Estates.

Private Estates of the Sovereign in Scotland held under a Superior or in Lease to be vested in Trustees.

IV. Such private Estates of Her Majesty, Her Heirs or Successors, situate or arising in *Scotland*, as are or shall be held feudally directly under the Crown as Superior, may lawfully be held by Her Majesty, Her Heirs or Successors, of and under Herself or Themselves as Sovereign or Sovereigns of this Realm and Feudal Superiors, and the Dominium utile thereof shall not become *ipso facto* consolidated with the Dominium directum; and such private Estates of Her Majesty, Her Heirs or Successors, situate or arising in *Scotland*, as are or shall be held feudally under a Subject Superior, or as are or shall be held in Lease, shall be vested in some Trustee or Trustees for Her Majesty, Her Heirs and Successors respectively, from Time to Time to be respectively named or appointed by Instrument in Writing under the Sign Manual of Her Majesty, Her Heirs or Successors respectively, in the same Manner as if the Second Section of the said Act of the Thirty-ninth and Fortieth Years of His Majesty King *George* the Third, Chapter Eighty-eight, had extended to all such Estates.

As to testamentary Disposition of the private Estates of the Sovereign other than in Scotland.

V. The private Estates of Her Majesty, Her Heirs or Successors, situate or arising in any Part of Her Majesty's Dominions (except *Scotland*), may be disposed of by Her Majesty, Her Heirs or Successors, in manner provided by the Fourth Section of the said Act of the Thirty-ninth and Fortieth Years of His Majesty King *George* the Third, Chapter Eighty-eight: Provided always, that a Will or other Testamentary Disposition by Her Majesty, Her Heirs or Successors, of or concerning any such private Estates as aforesaid, shall not require Publication; and every such Will or Testamentary Disposition shall be valid and effectual, if signed by the Testator or Testatrix, or by some other Person in His or Her Presence, and by His or Her Direction, in the Presence of Two Witnesses: Provided also, that every Will or other Testamentary Disposition by Her Majesty, Her Heirs or Successors, of any such private Estates as aforesaid, made under the Authority of this Act and of the said Act of the Thirty-ninth and Fortieth Years of His Majesty King *George* the Third, Chapter Eighty-eight, or either of them, and whether made before or after the passing of this Act, shall be construed

construed with reference to the Property comprised in such Will or Testamentary Disposition, to speak and take effect as if it had been executed immediately before the Death of the Testator or Testatrix, unless a contrary Intention shall appear by the Will or other Testamentary Disposition.

As to Disposition of the private Estates of the Sovereign in Scotland.

VI. The private Estates of Her Majesty, Her Heirs or Successors, situate or arising in *Scotland*, may be disposed of by Her Majesty, Her Heirs or Successors, by Dispositions or Conveyance, either special or general, granted either Mortis causâ or Inter vivos; and all Dispositions, Conveyances, Deeds of Appointment, Commissions, Powers of Attorney, Wills, Deeds of Settlement, and other Deeds or Instruments to be made or granted by Her Majesty, Her Heirs or Successors, of or relating to the private Estates of Her Majesty, Her Heirs or Successors, situate or arising in *Scotland*, shall be valid and effectual, although not executed according to the Forms of the Law of *Scotland*, if the same shall be under the Sign Manual attested by Two or more Witnesses; and every such Disposition or Conveyance, if granted Mortis causâ shall be valid and effectual, whether the same shall be under the Sign Manual as aforesaid, or shall be signed by some other Person in the Presence of the Granter, and by His or Her Direction in the Presence of Two or more Witnesses, who shall attest the same, although the same shall not be executed according to the Forms of the Law of *Scotland*.

As to Descent of the private Estates of the Sovereign.

VII. On the Demise of Her Majesty, Her Heirs or Successors, the private Estates of Her Majesty, Her Heirs or Successors, shall, subject and without Prejudice to any Disposition which shall have been made thereof under the Authority of the said Act of the Thirty-ninth and Fortieth Years of His Majesty King *George* the Third, Chapter Eighty-eight, or of this Act, descend or go in manner prescribed by, and (according to the Nature thereof) be subject to, the Provisions and Restrictions respectively referred to in the Fifth Section of the said Act of the Thirty-ninth and Fortieth Years of His Majesty King *George* the Third, Chapter Eighty-eight.

Private Estates of the Sovereign to be subject to Taxes.

VIII. The private Estates of Her Majesty, Her Heirs or Successors, shall be subject to all such Taxes, Rates, Duties, Assessments, and other Impositions, Parliamentary and Parochial, as the same would have been subject to if the same had been the Property of any Subject of this Realm; and all such Rates, Taxes, Assessments, and Impositions shall, so long as such private Estates shall be vested in Her Majesty, Her Heirs or Successors, or in any Person or Persons in trust for Her Majesty, Her Heirs or Successors as aforesaid, be ascertained, rated, assessed or imposed thereon in the same Manner and Form in all respects as if the same Estates were the absolute and

and beneficial Estate of any of Her Majesty's Subjects; but nevertheless such Rates, Taxes, Assessments, and Impositions shall be paid and payable in manner herein-after directed, and not otherwise.

Taxes to be paid out of the Privy Purse.

IX. So long as the private Estates of Her Majesty, Her Heirs or Successors, shall remain vested in Her Majesty, Her Heirs or Successors, or in any Trustee or Trustees for Her Majesty, Her Heirs or Successors as aforesaid, freed and discharged from the Provisions and Restrictions aforesaid, all Taxes, Rates, Duties, Assessments, Impositions, Rents, and other annual Payments, Fines, and other Outgoings, which shall from Time to Time be charged and chargeable upon or be or become due and payable in respect of all or any of such private Estates, shall be paid and discharged out of the Privy Purse of Her Majesty, Her Heirs or Successors, and Accounts thereof shall from Time to Time be returned to the Person or Persons for the Time being executing the Office of Privy Purse of Her Majesty, Her Heirs or Successors, or to his or their Deputy, who shall by and out of any Monies in his or their Hands applicable for the Use of Her Majesty, Her Heirs or Successors, pay and discharge the same.

Extension of Trustee Act, 1850, to the private Estates of the Sovereign (except in Scotland), and to the Personal Estate of the Sovereign.

X. The Trustee Act, 1850, shall extend to a Trustee or Trustees of the private Estates of Her Majesty, Her Heirs or Successors, situate or arising in any Part of Her Majesty's Dominions, except *Scotland*, and to any Trustee or Trustees of any Personal Estate of Her Majesty, Her Heirs or Successors, and any Petition or other Proceeding for obtaining the Benefit of that Act for or on behalf of Her Majesty, Her Heirs or Successors, shall be by and in the Name or Names of any Person or Persons authorized in that Behalf by Her Majesty, Her Heirs or Successors, by any Instrument in Writing under the Sign Manual.

Provision as to legal Proceedings and Trust Estates in Scotland.

XI. All Suits and Actions, either Real or Personal, respecting the private Estates of Her Majesty, Her Heirs and Successors, in *Scotland*, and which may not be vested in a Trustee or Trustees, may be sued, in *Scotland*, on behalf of Her Majesty, Her Heirs and Successors, by and in the Name or Names of any Person or Persons to be from Time to Time for that Purpose appointed by Her Majesty, Her Heirs or Successors, by any Writing under the Sign Manual, every such Appointment to continue only during the Pleasure of Her Majesty, Her Heirs and Successors; and all Suits and Actions in *Scotland* respecting such private Estates at the Instance of other Parties may be sued and carried on by Summons or Process directed against such Person or Persons; and Her Majesty, Her Heirs or Successors, shall at all Times be entitled to require any Trustee or Trustees who may be vested in or possessed of any of the private

vate Estates of Her Majesty, Her Heirs and Successors, in *Scotland*, to convey and dispone the same to Her Majesty, Her Heirs or Successors, or to any new Trustee or Trustees to be named or appointed by Her Majesty, Her Heirs or Successors, by Writing under the Sign Manual; and in the event of the Failure, Delay, or Inability of any such Trustee or Trustees so to convey or dispone the same, or in the event of the said Trustee or Trustees having died, it shall be competent for any Person or Persons authorized in that Behalf by Her Majesty, Her Heirs or Successors, by Writing under the Sign Manual, to apply by Petition to the Court of Session to declare that the Trust Conveyance subsists for the Benefit of Her Majesty, Her Heirs and Successors, and that Her Majesty, Her Heirs and Successors, are entitled to have the same transferred, and further to adjudge such private Estates in *Scotland* which shall be specified and described in the Petition from such Trustee or Trustees, or his or their Heirs or Heir, and to decern and declare the same to belong to Her Majesty, Her Heirs or Successors, or to such new Trustee or Trustees as may be so named and appointed, as the Case may be; and the Court of Session shall pronounce Decreet in Terms of the Prayer of such Petition, and such Decreet shall be held to be and shall have the Effect of a valid Conveyance and Disposition in due and usual Form of such private Estates as shall be specified and described in the Decreet in favour of Her Majesty, Her Heirs and Successors, or of such Trustee or Trustees, as the Case may be, and it shall be competent to register such Decreet in the General or Particular Register of Sasines in Terms of and to the Effect authorized by the "Titles to Lands (*Scotland*) Act, 1858," and the "Titles to Lands (*Scotland*) Act, 1860."

Saving of the Rights and Remedies of the Sovereign.

XII. Provided that nothing in this Act contained shall take away or interfere with any Right or Remedy by any Law or Statute competent to Her Majesty, Her Heirs or Successors, in regard to the private Estates of Her Majesty, Her Heirs or Successors, or in regard to any Trusts of such Estates, or against any Trustee or Trustees, his or their Heirs, Executors, Administrators, and Assigns.

Short Title.

XIII. This Act may be cited for all Purposes as "The Crown Private Estates Act, 1862."

CAP. XXXVIII.

No. 11. (Pub. Gen. Statutes, 1862—Scotland.)

CAP. XXXVIII.

An Act to amend the Laws relating to the Sale of Spirits.—[17*th* July 1862.]

Recital of Sect. 12 of 24 G. 2. c. 40. enacting that no Action should be brought to recover any Debt for Spirituous Liquors, unless contracted at One Time to the Amount of 20*s*.

WHEREAS by the Twelfth Section of an Act passed in the Twenty-fourth Year of the Reign of King *George* the Second, Chapter Forty, intituled *An Act for granting to His Majesty an additional Duty upon Spirituous Liquors, and upon Licences for retailing the same; and for repealing the Act of the Twentieth Year of His present Majesty's Reign, intituled, 'An Act for granting a Duty to His Majesty to be 'paid by Distillers upon Licences to be taken out by them for 'retailing Spirituous Liquors,' and for the more effectually restraining the retailing of distilled Spirituous Liquors; and for allowing a Drawback upon the Exportation of* British-*made Spirits; and that the Parish of* St. Mary-le-Bon *in the County of* Middlesex *shall be under the Inspection of the Head Office of Excise*, it is amongst other things enacted, that no Person or Persons whatsoever shall be entitled unto, or maintain any Cause, Action, or Suit for, or recover either in Law or Equity, any Sum or Sums of Money, Debt, or Demands whatsoever for or on account of any Spirituous Liquors, unless such Debt shall have really been and *bonâ fide* contracted at One Time to the Amount of Twenty Shillings or upwards, nor shall any particular Article or Item in any Account or Demand for distilled Spirituous Liquors be allowed or maintained where the Liquors delivered at One Time, and mentioned in such Article or Item, shall not amount to the full Value of Twenty Shillings at the least: And whereas it is expedient that the said recited Enactment should be repealed so far as is herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Recited Enactment repealed.

That so much of the said Enactment as is herein-before recited shall be and the same is hereby repealed, so far only as relates to Spirituous Liquors sold to be consumed elsewhere than on the Premises where sold, and delivered at the Residence of the Purchaser thereof in quantities not less at any One Time than a reputed Quart.

CAP. XXXIX.

An Act for enabling the Commissioners of Her Majesty's Treasury to make Arrangements with the Red Sea *and* India *Telegraph Company.*—[17*th* July 1862.]

CAP. XL.

An Act to carry into effect the Treaty between Her Majesty and the United States of America *for the Suppression of the* African *Slave Trade.*—[17*th* July 1862.]

CAP. XLI.

An Act for amending "The Rifle Volunteer Grounds Act, 1860."—[17*th* July 1862.]

23 & 24 Vict. c. 140.

WHEREAS it is expedient to amend "The Rifle Volunteer Grounds Act, 1860," by extending its Provisions to Corps of Volunteer Artillery: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Definition of "Corps of Volunteer Artillery."

I. The Expression "Corps of Volunteer Artillery," as herein used, shall mean any Corps of Volunteer Artillery of which Her Majesty has accepted the Offer of Service, in pursuance of the several Acts of Parliament in that Behalf provided.

Definition of "Volunteer Grounds Acts."

II. The Expression "Volunteer Grounds Acts" shall mean "The Rifle Volunteer Grounds Act" and this Act.

Provisions of recited Act extended to Volunteer Corps of Artillery.

III. Any Corps of Volunteer Artillery may purchase or acquire by Grant any Land for Artillery Practice, and for the Erection of Batteries, Targets, and other Accommodation for the Use of the Corps when practising with Artillery, in the same Manner and subject to the same Conditions in and subject to which a Rifle Volunteer Corps may purchase or acquire Land in pursuance of "The Rifle Volunteer Grounds Act, 1860," for the Purposes therein mentioned; and all the Provisions of "The

"The Rifle Volunteer Grounds Act, 1860," shall extend to a Corps of Volunteer Artillery, in the same Manner as if throughout the said Act where a Rifle Volunteer Corps is named or referred to a Corps of Volunteer Artillery had also been named or referred to.

Lands, &c. held on Trust for any Corps to pass and vest in Officer in Command for Time being.

IV. Where previously to the passing of this Act any Land has become vested in any Person or Persons, on trust for or on behalf of any Corps of Volunteer Artillery, such Land shall on the passing of this Act pass to and vest in the Commanding Officer for the Time being of such Corps, and his Successors in Office, for all the Estate and Interest to which the Corps is entitled in such Land, in the same Manner as if such Land had been acquired in Pursuance of the Provisions of the Volunteer Grounds Acts, without Prejudice, nevertheless, to any Reservation of Rent or other Right, or to the Recovery of such Rents or the Enforcement of such Rights by any Person or Persons by whom the same might have been recovered or enforced if this Act had not passed.

Penalty on wilful Injuries to Butts and Targets.

V. If any Person wilfully commits any Damage or Injury to the Butts or Targets belonging to or lawfully used by any Corps of Volunteers, or, without the Leave of the Commanding Officer of such Corps, searches for Bullets in or otherwise disturbs the Soil forming such Butts or Targets, he shall, upon summary Conviction, incur for each Offence a Penalty not exceeding Five Pounds.

CAP. XLII.

An Act to regulate the Procedure in the High Court of Chancery and the Court of Chancery of the County Palatine of Lancaster.—[17*th* July 1862.]

CAP. XLIII.

An Act to provide for the Education and Maintenance of Pauper Children in certain Schools and Institutions.—[17*th* July 1862.]

Sect. XI. This Act shall not extend to *Scotland* or *Ireland*.

CAP. XLIV.

CAP. XLIV.

An Act to amend the Law relating to the giving of Aid to discharged Prisoners.—[17*th* July 1862.] (England and Wales.)

CAP. XLV.

An Act to amend "The West Indian *Incumbered Estates Acts,* 1854 *and* 1858."—[17*th* July 1862.]

CAP. XLVI.

An Act for the better Regulation in certain Cases of the Procedure in the High Court of Chancery in Ireland.—[17*th* July 1862.]

CAP. XLVII.

An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England *and* Wales.—[29*th* July 1862.]

CAP. XLVIII.

An Act respecting the Establishment and Government of Provinces in New Zealand, *and to enable the Legislature of* New Zealand *to repeal the Seventy-third Section of an Act, intituled* An Act to grant a Representative Constitution to the Colony of *New Zealand.*—[29*th* July 1862.]

CAP. XLIX.

An Act to authorize the Completion, after His Royal Highness Albert Edward *Prince of* Wales *shall attain*

attain the Age of Twenty-one Years, of Arrangements commenced during his Minority, under the Provisions of an Act passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her Majesty Queen Victoria, *intituled* An Act to enable the Council of His Royal Highness *Albert Edward Prince of Wales* to sell and exchange Lands and enfranchise Copyholds Parcel of the Possessions of the Duchy of *Cornwall*, to purchase other Lands; and for other Purposes.—[29*th* July 1862.]

CAP. L.

An Act to amend certain Provisions of the Acts of the Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapters Ninety-six, Ninety-seven, Ninety-nine, and One hundred, respectively, relating to Summary Jurisdiction in Ireland.—[29*th* July 1862.]

CAP. LI.

An Act for confirming, with Amendments, certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, *and The General Pier and Harbour Act*, 1861, *Amendment Act, relating to* Carrickfergus, Deal, Oban, Saint Ives, Tobermory, *and* Hastings.—[29*th* July 1862.]

WHEREAS a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, is not of any Validity or Force whatever until the Confirmation thereof by Act of Parliament: And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Acts and set out in the Schedule hereto should be

be confirmed, with Amendments, by Act of Parliament: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The several Provisional Orders set out in the Schedule hereto shall be and are hereby confirmed, except that— Orders in Schedule confirmed, except the Clauses named herein.

The Clause numbered 13 in the *Carrickfergus* Harbour Order,

The Clause numbered 6 in the *Deal* and *Walmer* Pier Order,

The Clause numbered 12 in the *Saint Ives* Harbour Order,

The Clause numbered 4 in the *Mishuish* Pier, *Tobermory*, Order,

And the Clause numbered 20 in the *Hastings* Pier and Harbour Order,

shall be deemed to be and the same are by this Act expunged from the said Orders respectively, which Orders shall, with the Omission of the said several Clauses, be valid and effectual, and be construed as if the same several Clauses had never been inserted therein.

II. This Act may be cited as The Pier and Harbour Orders Confirmation Act, 1862. Short Title.

The SCHEDULE of Provisional Orders.

1. CARRICKFERGUS.—Improvement of the Harbour.
2. DEAL.—Construction of a Pier.
3. OBAN.—Improvement of the Harbour.
4. SAINT IVES.—Improvement of the Harbour.
5. TOBERMORY.—Construction of a Pier.
6. HASTINGS.—Construction of a Pier.

CARRICKFERGUS.

Provisional Order of the Board of Trade for the Improvement, Maintenance, and Regulation of the Harbour of Carrickfergus in the County of the Town of Carrickfergus.

DEAL.

Provisional Order of the Board of Trade for the Construction, Maintenance, and Regulation of a Pier at Deal in the County of Kent.

OBAN.

OBAN.

Provisional Order of the Board of Trade for the Improvement, Maintenance, and Regulation of the Harbour of Oban in the County of Argyll.

Preamble. Whereas, under The General Pier and Harbour Act, 1861, the Most Honourable John Marquess of Breadalbane made application by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, representing that the Pier at the Harbour of Oban, in the County of Argyll, belonging to him, was constructed by his predecessors at their own expense, and that the same being now inadequate to the wants of the community, he is desirous to execute additional works at the said Pier and Harbour under the authority of the said Act:

And whereas the estimated expenditure on the proposed works is one thousand three hundred and forty pounds and no more:

And whereas, within the time in the said Act limited in this behalf, the promoter deposited copies of the said memorial and of the plans, sections, and working drawings of the proposed works with the Sheriff Clerk of the County of Argyll, at Inverary, and notice of such deposit was published according to the requirements of the said Act:

And whereas the promoter deposited at the Admiralty Office copies of the said memorial, plans, sections, and working drawings, and on his application the Lords of the Admiralty have given their sanction to the proposed works:

And whereas the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the making of this Provisional Order has been obtained:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

Now, therefore, the Board of Trade do by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, Order,—

That,

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force :

The Undertaker.

I. The said John Marquess of Breadalbane, or the proprietor of the said Pier for the time being, shall be the Undertaker of the works authorized by this Order.

Power to take specified lands by agreement.

II. For the purposes of the works authorized by this Order, the Undertaker may from time to time, by agreement, enter on, take, or use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works.

Lands Clauses Acts incorporated.

III. The Lands Clauses Consolidation (Scotland) Act, 1845, except with respect to the purchase and taking of lands otherwise than by agreement, and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Order.

Power to make works.

IV. Subject to the provisions of this Order, the Undertaker may, on the lands taken by him under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Time for completion of works.

V. The time for the completion of the works authorized by this Order shall be two years after the passing of an Act confirming this Order.

Rates, Lifeboats, &c.

VI. The provisions of The Harbours, Docks, and Piers Clauses Act, 1847, with respect to rates and to the collection and recovery of rates, and sections 16, 17, 18, and 19 of that Act, shall not be incorporated with this Order.

Custom House Officers exempt from rates.

VII. Officers of Customs being in the execution of their duty, shall at all times have free ingress, passage, and egress, on, into, along, through, and out of the Pier and Harbour, by land, and with their vessels, and otherwise, without payment.

Lands for extraordinary purposes.

VIII. Nothing in this Order shall be deemed to enable the Undertaker to purchase, or to unable any person to sell or convey to the Undertaker, for extraordinary purposes, lands exceeding in extent in the whole two acres.

Meters and weighers.

IX. The Undertaker shall have the appointment of meters and weighers on and within the Pier and Harbour.

Short Title.

X. This Order may be cited as The Oban Harbour Order, 1862.

Board of Trade, Whitehall.
Dated this 19th day of May 1862.

(Signed) T. H. Farrer,
Assistant Secretary.

SAINT IVES.

Provisional Order of the Board of Trade for the Improvement, Maintenance, and Regulation of the Harbour of St Ives in the County of Cornwall.

TOBERMORY.

Provisional Order of the Board of Trade for the Construction, Maintenance, and Regulation of a Pier at Tobermory in the Island of Mull and County of Argyll.

Preamble. Whereas, under The General Pier and Harbour Act, 1861, Frederick William Caldwell, of Mishnish, in the Island of Mull and County of Argyll, made application by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, praying that a Provisional Order might be granted to authorize and empower him, his heirs and assigns, (among other things) to construct and maintain a pier at Tobermory in the Island and County aforesaid, to be called Mishnish Pier, and to levy and recover the rates in the memorial referred to:

And whereas the estimated expenditure on the proposed works is One thousand and four hundred pounds and no more:

And whereas, within the time in the said Act limited in this behalf, the promoter deposited copies of the said memorial and of the plans, sections, and working drawings of the proposed works in the office at Inveraray of the Principal Sheriff Clerk of the County of Argyll, and notice of such deposit was published according to the requirements of the said Act:

And whereas the promoter deposited at the Admiralty Office copies of the said memorial, plans, sections, and working drawings, and on his application the Lords of the Admiralty have given their sanction to the proposed works:

And whereas the promoter prepared a schedule of rates to be levied at the proposed works, and published the same according to the requirements of the said Act, and deposited a printed copy thereof in the office of the said Principal Sheriff Clerk, and transmitted a copy thereof to the Board of Trade, and therewith a statement showing the probable or estimated amount of the rates to be levied at the proposed works, and the estimated amount proposed to be expended on the works:

And whereas the Board of Trade, at the time in the said Act appointed in this behalf, took the said schedule and statement into

into consideration, and made such inquiries and obtained such further information in reference to the several matters therein set forth as they deemed expedient:

And whereas the said schedule was prepared, published, deposited, and transmitted as aforesaid, before the passing of The General Pier and Harbour Act, 1861, Amendment Act:

And whereas it appears to the Board of Trade to be expedient that the same should be authorized by a Provisional Order, and accordingly the Board of Trade have finally adjusted and fixed the schedule of rates hereto annexed, such rates not exceeding the rates specified in the schedule so prepared, published, deposited, and transmitted as aforesaid:

And whereas the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the making of this Provisional Order has been obtained:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

Now, therefore, the Board of Trade do, by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, Order,—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force:

Undertakers.

I. The said Frederick William Caldwell, his heirs and assigns, shall be the undertakers of the works authorized by this Order.

Works.

II. Subject to the provisions of this Order, the undertakers may, in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Description of Pier.

III. The works authorized by this Order comprise the following:—

A pier or jetty, 100 feet in length, or thereabouts, extending in a south-easterly direction from the end of a roadway or approach to be constructed along the northern shore of Tobermory Bay, such roadway or approach running for 160 feet or thereabouts in a south-easterly direction from the termination of the present roadway.

IV. The

Consent of Commissioners of Woods and Forests.

IV. The undertakers shall not construct any work on any part of the shore or bed of the sea below high-water mark without the previous consent of Her Majesty, Her heirs and successors, signified in writing under the hand of one of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and then only according to such plan and under such restrictions and regulations as the said Commissioners, or one of them, approve of, such approval being signified as last aforesaid. After any such work is constructed with such consent as aforesaid, the undertakers shall not alter or extend the same without first obtaining the like consent and approval. If any work be commenced, constructed, altered, or extended contrary to this provision, the said Commissioners may, at the expense of the undertakers, abate and remove it, or any part of it, and restore the site thereof to its former condition. The amount of such expense shall be a debt due to the Crown from the undertakers, and shall be recoverable as such, with costs, or the same may be recovered with costs as a penalty is recoverable from the undertakers.

Rates according to Schedule to this Order.

V. The undertakers may demand and receive in respect of the vessels, goods, persons, and things in the Schedule hereto described, any sums not exceeding the rates in that Schedule specified.

Custom House Officers exempt from rates.

VI. Officers of Customs being in the execution of their duty, shall at all times have free ingress, passage, and egress, on, into, along, from, and out of the pier by land, and with their vessels, and otherwise, without payment.

Parts of Harbours Clauses Act excepted.

VII. The following provisions of The Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, namely, sections 16, 17, 18, 19, 49, and 50.

Borrowing.

VIII. The undertakers may borrow on mortgage or bond, at interest, such sums of money as may be required for the purposes of the works authorized by this Order, not exceeding in the whole the sum of 1,400*l*. They shall regularly keep down the interest accruing on the money so borrowed, and shall not allow such interest to accumulate, and shall repay the money borrowed within 50 years from the time of borrowing.

Application of rates.

IX. The rates received under this Order shall be applicable for the purposes and in the order following, and not otherwise:—

(1.) In the maintenance of the works authorized by this Order:

(2.) In payment of the interest accruing on any money borrowed under the authority of this Order, and in repayment of the principal of such money:

(3.) To the proper use of the undertakers.

X. This

X. This Order may be cited as The Mishnish Pier, Tobermory, Order, 1862. Short Title.

Board of Trade, Whitehall.
Dated this 19th day of May 1862.
(Signed) T. H. Farrer,
Assistant Secretary.

SCHEDULE.

I.—Rates on Vessels using the Pier.

	s.	d.
For every decked or partly decked vessel :—		
Under the burden of twenty tons, - per ton	0	4
Of the burden of twenty tons and not exceeding one hundred tons, - - - per ton	0	6
Of the burden of one hundred tons and upwards, - - - - per ton	0	10

II.—Rates on Herring Boats, &c.

For every herring boat, and every undecked boat coming to the pier with herrings or fresh fish, or landing or taking on board goods or dried or salted fish, each, - - - - -	0	4

III.—Rates on Passengers.

For every person landing from or embarking in any vessel at the pier, - - - -	0	3

IV.—Rates on Animals and Goods shipped or unshipped at the Pier.

Ale, beer, or porter, - - - -	per hogshead	0	4
Bark, in bulk, - - -	per ton	1	0
Beef, fresh or salted, or other provisions,	per barrel	0	2
Bones, - - - -	per ton	0	6
Bone-dust, - - - -	per ton	0	8
Bricks, - - - -	per 1000	0	8
Butter, - - - -	per cwt.	0	2
Carriages with four wheels, - -	each	0	8
Carriages with two wheels - -	each	0	6
Cattle, viz. :—			
Bulls, - - - -	each	0	3

Cows

Cows and oxen,	each	0	2
Calves,	each	0	0½
Horses, asses, and mules,	each	0	2
Pigs,	each	0	0½
Sheep,	per score	0	6
Lambs,	per score	0	3
Chalk,	per ton	0	8
Cheese,	per cwt.	0	6
Cloth, haberdashery, &c.,	per barrel bulk	0	2
Coach or cart wheels,	per pair	0	3
Coal,	per ton	0	3
Copper,	per ton	1	4
Cordage,	per ton	5	0
Dogs (sporting only),	each	0	2
Earthenware,	per crate	0	8
Eggs,	per barrel bulk	0	2
Empty barrels	each	0	0½
Fish, salted or dry,	per barrel bulk	0	2
Flax,	per ton	1	4
Flour,	per sack	0	2
Ditto,	per barrel	0	1½
Fowls and ducks, live,	per dozen	0	2
Geese and turkeys, live,	each	0	1
Glass,	per barrel bulk	0	3
Grain, viz., wheat and malt,	per quarter	0	3
Barley, bear, pease, beans, oats, and all other descriptions of grain,	per quarter	0	2
Grease,	per cwt.	0	2
Groceries,	per barrel bulk	0	3
Guano and artificial manures,	per ton	0	8
Hardware,	per barrel bulk	0	3
Hay,	per ton	0	8
Hemp and cotton, unwrought,	per ton	1	4
Herrings, fresh,	per cran	0	1
Ditto, cured,	per barrel	0	3
Hides,	per ton	1	4
Iron, pig or old,	per ton	0	8
Ditto, bar, bolt, or rod,	per ton	1	4
Kelp,	per ton	0	8
Lathwood,	per fathom	2	6
Lead of all kinds, and zinc,	per ton	1	4
Leather,	per ton	1	4
Lime,	per chaldron	1	4
Limestone,	per ton	0	3
Machinery,	per ton	1	4
Manure,	per ton	0	2

Meal

Meal and flour, - -	per bag of 280 lbs.	0	2
Milk, - - -	per 3 large pitchers	0	0½
Millstones, - - - -	each	0	8
Oakum, - - - -	per ton	2	6
Oil, - - - -	per ton	1	0
Oil-cake, - - - -	per ton	1	0
Peats, - - - -	per ton	0	3
Potatoes, - - - -	per ton	0	6
Poultry, including pigeons, game, and other birds, - - - -	per dozen	0	1
Ropes and rags (old), - - -	per ton	0	10
Salt, - - - - -	per ton	0	10
Sand, - - - -	per ton	0	3
Seeds, - - - -	per 8 bushels	0	2
Slates, under size, - - -	per 1000	0	6
Ditto, sizeable, - - -	per 1000	0	10
Ditto, over size, - - -	per 1000	1	4
Soda water or lemonade,	per gross of 144 bottles	1	0
Spirits, - -	per hogshead of 56 gallons	0	8
Stones, paving or dressed, - -	per ton	0	4
Ditto, others, - - -	per ton	0	3
Stucco, - - - -	per ton	0	6
Sugar, - - - -	per ton	1	4
Tallow, - - - -	per ton	1	4
Tar, - - - - -	per barrel	0	2
Tea, - - - - -	per chest	0	3
Tiles or pipes for draining, -	per 1000	0	8
Ditto, roofing, - - -	per 1000	0	9
Timber, unwrought, of all kinds,	per load of 50 cubic feet	0	10
Wine in cask, - - -	per hogshead	0	8
Ditto in bottle, - -	per barrel bulk	0	4
Wool, - - - -	per cwt.	0	2
Yarn, - - - -	per ton	1	4

All other unenumerated articles to pay at landing or shipping :—

If by measurement, - -	per barrel bulk	0	2
If by weight, - - - -	per ton	1	4

Articles which can be measured to pay by barrel bulk, all others by weight.

In charging the rates on goods, the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified, a proportion of the respective rate shall be charged.

Five

Five cubic feet, not exceeding two and a half hundredweight, to be rated as a barrel bulk; but when the weight of five cubic feet is greater than two and a half hundredweight, then two and a half hundredweight to be rated as a barrel bulk.

V.—Rates for the Use of Sheds, Cranes, and Weighing Machines.

1.—*Sheds.*

For each ton of goods of 8 barrels bulk, or for each ton of goods of 20 cwt., which shall remain in any shed or on the Pier for a longer time than 48 hours, the sum of 3*d.*; and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 48 hours.

2.—*Cranes.*

	s.	*d.*
All goods or packages not exceeding one ton, - -	0	3
Exceeding one ton and not exceeding two tons, -	0	4
Exceeding two tons and not exceeding three tons, -	0	6
Exceeding three tons and not exceeding four tons, -	0	8
Exceeding four tons and not exceeding five tons, -	0	10
Exceeding five tons and not exceeding six tons, -	1	0
Exceeding six tons and not exceeding seven tons, -	1	2
Exceeding seven tons and not exceeding eight tons, -	1	4
Exceeding eight tons and not exceeding nine tons, -	1	8
Exceeding nine tons and not exceeding ten tons, -	2	0
Exceeding ten tons, - - - - -	3	0

3.—*Weighing Machines.*

For goods weighed, 1d. for each ton or part of a ton.

HASTINGS.

Provisional Order of the Board of Trade for the Construction, Maintenance, and Regulation of a Pier and Harbour at Hastings in the County of Sussex.

CAP. LII.

An Act to amend an Act of the Twenty-fourth and Twenty-fifth Years of the Reign of Her Majesty, to prevent the future Grant by Copy of Court Roll and certain Leases of Lands and Hereditaments in England *belonging to Ecclesiastical Benefices.*—[29*th* July 1862.]

CAP. LIII.

An Act to facilitate the Proof of Title to, and the Conveyance of, Real Estates.—[29*th* July 1862.]

§ I. This Act shall apply to *England* only.

CAP. LIV.

An Act to make further Provision respecting Lunacy in Scotland.—[29*th* July 1862.]

WHEREAS an Act was passed in the Twentieth and Twenty-first Year of the Reign of Her present Majesty, intituled *An Act for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums, in* Scotland; and another Act was passed in the Twenty-first and Twenty-second Year of the Reign of Her present Majesty, intituled *An Act to amend an Act of the last Session, for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums, in* Scotland: And whereas it is expedient to continue the General Board of Commissioners in Lunacy constituted by first-recited Act, and to amend certain of the Provisions of the said Acts: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

20 & 21 Vict. c. 71.

21 & 22 Vict. c. 89.

I. The following Words and Expressions when used in this Act shall have the Meanings hereby assigned to them: Interpretation of Terms.

"Board" shall mean the General Board of Commissioners in Lunacy for *Scotland* constituted by the said first-recited Act:

"Secretary"

"Secretary" shall mean the Secretary of the Board for the Time being:

"Lunatic Wards of a Poorhouse" shall mean those Wards or Parts of a Poorhouse sanctioned by the Board for the Reception and the Detention of Pauper Lunatics:

"Medical Person" shall mean any Person registered as a Practitioner in Medicine or Surgery, pursuant to the Act Twenty-first and Twenty-second *Victoria*, Chapter Ninety:

"Lunatic," when used in this and the recited Act, shall mean and include every Person certified by Two Medical Persons to be a Lunatic, an insane Person, an Idiot, or a Person of unsound Mind:

"Pauper Lunatic" shall mean and include any Lunatic towards the Expense of whose Maintenance any Allowance is given or made by any Parochial Board:

"Sheriff" shall include Sheriffs Substitute:

"Superintendent" shall mean the Person or Persons having the Management or Charge of any Asylum, and shall include the Proprietor and all Persons having any pecuniary Interest therein, or in the Profits to be derived therefrom, and also the Governor of any Poorhouse in which Pauper Lunatics are kept, and the Proprietor or any Person or Persons having a pecuniary Interest in any other Licensed House for the Reception of Lunatics.

Provisions as to Appointment of Deputy Commissioners continued.

II. The Provisions of the said Act in regard to the Appointment of Deputy Commissioners shall be and are hereby continued until the First Day of *August* One thousand eight hundred and sixty-four.

Board may license Lunatic Wards of Poorhouses.

III. It shall be lawful for the Board to license Lunatic Wards of Poorhouses for the Reception and Detention, on the Order of the Sheriff, of such Pauper Lunatics only who are not dangerous, and do not require curative Treatment, subject to such Rules and Conditions as the Board may prescribe; and the Board may also, if they shall be satisfied that good Reasons exist therefor, continue all Licences that have been already granted to Lunatic Wards of Poorhouses.

Board may sanction the Reception of Pauper Lunatics in Poorhouses.

IV. It shall be lawful for the Board to sanction the Reception of Pauper Lunatics into Lunatic Wards of Poorhouses without the Order of the Sheriff, according to Forms and subject to Regulations approved of by the Board, and at any Time to withdraw such Sanction; and any Governor or Keeper of a Poorhouse who shall receive any such Lunatic without an Order by the Sheriff or Sanction of the Board, or detain any such Lunatic for more than Seven Days after the Withdrawal of such Sanction, shall be liable in a Penalty not exceeding Ten Pounds.

V. It

Board may grant Special Licences for Reception in Houses of not more than Four Lunatics.

V. It shall be lawful for the Board to grant Special Licences to Occupiers of Houses, for the Reception and Detention therein of Lunatics, not exceeding Four in Number, subject to such Rules and Regulations as the Board may appoint, and to exempt the Holders of such Special Licences from the Payment of any Fee, or of any Sum whatever in respect thereof; and, except in so far as expressly exempted by the Board, the Holders of such Licences shall be subject to the whole Provisions applicable to the Keepers or Superintendents of Private Asylums in the recited Acts and this Act contained; and the Board, in the Case of a Lunatic who is a Pauper, on the Application of the Inspector of the Poor of the Parish liable at the Time for the Maintenance or interim Maintenance of such Lunatic, or in any other Case, on the Application of any one legally entitled to make the same, accompanied by Medical Certificates in the Forms herein-after prescribed, may sanction the Reception and Detention of such Lunatic in any House so specially licensed: Provided that no Lunatic shall be received into any such House without the Sanction of the Board, granted according to the Forms and Regulations approved of by them; and any Person receiving any Lunatic into any House specially licensed as aforesaid, or being concerned in the Disposal of such Lunatic without the Sanction of the Board, shall be liable to a Penalty not exceeding Ten Pounds.

Provision for allowing Persons to enter Asylum voluntarily.

VI. If any Person desirous of being received into any Public, Private, or District Asylum, or into any House specially licensed for the Reception of Lunatics as aforesaid, shall make a Declaration to that Effect before the Sheriff of the County in which such Asylum or House is situate, and shall produce to such Sheriff a Certificate by a Medical Person that his Reception into and Treatment in such Asylum or House would be beneficial to his Case, and a written Consent by the Superintendent of such Asylum or House to receive him, it shall be lawful for such Sheriff to grant an Order for his Reception into such Asylum or House, which shall be a sufficient Warrant to such Superintendent to receive him accordingly, and to subject him to the Rules and Regulations of such Asylum or House: Provided always, that the said Superintendent shall, within Three clear Days after such Reception, and subject to a Penalty of Fifty Pounds in case of Default, transmit to the Board, and also to the said Sheriff, a Statement of all the Circumstances connected with such Application and Reception, together with his Opinion of the State of Mind of the Person so received, and of the Expediency or otherwise of his being detained in such Asylum or House, and shall make a similar Report once every Month thereafter, so long as such Person shall remain in such Asylum or

or House, under a similar Penalty; which Penalties may be sued for and recovered by the Secretary to the Board, and applied as Fees received for Licences are directed to be applied by the first recited Act; provided that it shall always be competent to such Person to depart from such Asylum or House unless the Superintendent thereof shall certify to the said Sheriff that he considers such Person to be in a State of Mind dangerous to himself or others; and it shall be lawful for the Board or for the said Sheriff respectively, if they or he shall see Cause, to order the immediate Discharge of such Person from the said Asylum or House, or to make such other Order as to them or him may in the Circumstances seem proper.

Board may grant Licences to charitable Institutions for imbecile Children without Fee.

VII. It shall be lawful for the Board to grant Licences to any charitable Institution established for the Care and Training of imbecile Children, and supported in whole or in part by private Subscription, without exacting any Licence Fee therefor, and such Licence may be in Name of the Superintendent of such Institution for the Time being.

Care of Pauper Lunatics.

VIII. With the Sanction of the Board, Agreements and Arrangements may be made for the Reception and Detention of all or any of the Pauper Lunatics of any District, County, or Parish in any Public, Private, District, or Parochial Asylum or Hospital within or beyond the Limits of such District, County, or Parish.

Secretary of State may authorize the Board to apply to Court of Session.

IX. Subject to the Provisions of the said first-recited Act and this Act, the Board, on a full Consideration of the Circumstances, may determine from Time to Time whether the Accommodation for any District is adequate, or what Addition ought to be made thereto, or whether a new District Asylum ought to be erected, and may in the event of a District Board failing to take such Steps as the Board may consider requisite toward providing Accommodation for the District, or contracting with an existing Asylum to such an Extent and in such Way as the Board may consider necessary, represent such Failure to One of Her Majesty's Principal Secretaries of State, who may thereupon communicate such Representation to the District Board, and after considering any Answer which may be made thereto, within such Time as he may appoint, such Secretary of State may authorize the Board to apply to the Court of Session in either Division, or during Vacation to the Lord Ordinary on the Bills, by summary Petition in Common Form, and the Court or Lord Ordinary shall, unless sufficient Cause be shown to the contrary, on advising such Petition, appoint a Person at whose Sight and Instance the whole Powers and Duties of the District Board relative to the providing of such Accommodation shall be performed, at the Expense of the District Board.

X. Any

Counties or Parishes providing Asylum Accommodation to be relieved from Assessments.

X. Any County or Parish which has, prior to the Date of the recited Act, provided Accommodation for its lunatic Paupers in whole or in part, to the Satisfaction of the Board, or which shall be entitled to such Accommodation in any existing Asylum, shall have such relief, partial or total, from Assessments for building, furnishing, or maintaining an Asylum for the District within which such County or Parish is situate as the Board may consider reasonable.

Additional Grounds to District Asylums.

XI. In the Case of any District Asylum where it shall appear to the Board, or to the District Board (the Consent of the Board being previously obtained), that it is desirable to acquire additional Ground for the Use of such Asylum, it shall be lawful for the District Board to acquire such additional Ground from the Proprietor or Proprietors of the Land immediately adjoining; and in the event of the Parties failing to agree as to the Price to be paid for such additional Ground, the same shall be settled and determined in the Manner prescribed by "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Purchase and Value of Land otherwise than by Agreement: Provided always, that the Land so to be taken does not form Part of any Garden or Pleasure Ground, and shall not exceed Five Acres in Extent: Provided also, that if the Ground from which the same is taken forms Part of a Property not exceeding Twenty Acres in Extent, it shall be lawful for the Proprietor of the same to require that the Remainder of such Property shall also be acquired in the same Manner by such District Board.

Where there is no Asylum District Board may dissolve itself.

XII. If in any District there shall be no District Asylum, it shall be lawful for the District Board of such District, with the Sanction of the Board, to dissolve itself, and on the Requisition and Order of the Board such District Board may again at any Time be revived; and where there is no District Asylum the Expenses incurred by the District Board may be paid by the Prison Board out of the Prison Assessments, or where any Ground has been acquired for the Erection of a District Asylum and now found not to be requisite either in whole or in part, it shall be lawful for the District Board to sell and dispose of the same or of any Part thereof, and to repay the Proceeds, after Payment of all Expenses and Liabilities incurred by the Board, to the Commissioners of Supply for the County or Magistrates of the Burgh, as the Case may be.

District Boards may make Provision for Payment of Interest on borrow-

XIII. Notwithstanding anything in the said recited Acts to the contrary implied or expressed with respect to the borrowing of Money for the Purposes of said Acts, it shall be lawful for any District Board to make Provision for Repayment of Monies so borrowed, and of the Interest thereof, by annual Instalments of

ed Monies by fixed annual Instalments.

of a fixed and uniform Amount, so long as any Part of the Principal Sums so borrowed remains unpaid.

Lunatics to be admitted by Order of the Sheriff and on Medical Certificate.

XIV. The Thirty-fourth Section of the first-recited Act is hereby repealed; and in lieu thereof, subject to the following Provisions, the Sheriff of any County in *Scotland* may grant an Order for the Reception into and Detention in any Asylum, Lunatic Ward of a Poorhouse, or House as before provided, of any Lunatic, if such Lunatic be resident or be found within such County, or if the Asylum, Lunatic Ward, or House mentioned in such Order be situate within such County; but no such Order shall be granted unless upon a Petition subscribed by the Party applying for the same, accompanied by a Statement of Particulars in the Form of Schedule (C.) to the first-recited Act annexed, and setting forth the Degree of Relationship or other Capacity in which the Petitioner stands to such Lunatic, and also accompanied by Certificates in the Form of Schedule (D.) to the first-recited Act annexed, bearing Date within Fourteen clear Days next preceding the Date of the Petition, under the Hands of Two Medical Persons, having no immediate or pecuniary Interest in the Asylum in which the Lunatic shall be placed, but One of whom may notwithstanding be the Medical Superintendent or Consulting or Assistant Physician of such Asylum, not being a Private Asylum; and such Orders shall be in the Form of Schedule (E.) to the first-recited Act annexed; and no Superintendent of any such Public, Private, or District Asylum or House shall receive or detain any Person as a Lunatic therein, unless there shall be produced to and left with such Superintendent such Order by the Sheriff, dated within Fourteen clear Days prior to the Reception of such Lunatic, or if such Order be granted by the Sheriff of *Orkney* and *Shetland*, within Twenty-one clear Days prior thereto; provided that the Superintendent of any Public, Private, or District Asylum may receive and detain therein, for any Period not exceeding Three Days, and without any Order by the Sheriff, any Person as a Lunatic, whose Case is duly certified to be One of Emergency by One Medical Person qualified as aforesaid.

Sheriff may commit dangerous Lunatics.

XV. The Eighty-fifth Section of the first-recited Act is hereby repealed, and in lieu thereof when any Lunatic shall have been apprehended, charged with Assault or other Offence inferring Danger to the Lieges, or when any Lunatic shall be found in a State threatening Danger to the Lieges, or in a State offensive to public Decency, it shall be lawful for the Sheriff of the County in which such Lunatic may have been apprehended or found, upon Application by the Procurator Fiscal or Inspector of the Poor, or other Person, accompanied by a Certificate from a Medical Person, bearing that the Lunatic is in a State threatening

threatening such Danger, or in a State offensive or threatening to be offensive to public Decency, forthwith to commit such Lunatic to some Place of safe Custody; and the Sheriff shall thereupon direct Notice to be given, in some Newspaper circulated in the County within which such Lunatic was apprehended or found, of such Commitment, and that it is intended to inquire into the Condition of such Lunatic on an early Day to be named, and shall also direct Notice of the Application to be given to the Inspector of Poor of the Parish within which the Lunatic has been apprehended or found (where the Application is not presented by the Inspector of such Parish), and such further Notice as he shall think fit; and if the Inspector of the Parish does not within Twenty-four Hours undertake, to the Satisfaction of the Sheriff, to make due Arrangements for the safe Custody of such Lunatic, the Sheriff shall accordingly proceed to take Evidence of the Condition of such Lunatic, and upon being satisfied that he is a Lunatic, and in a State threatening Danger to the Lieges, or offensive to public Decency, he shall commit the Lunatic to any Asylum; and an Order authorizing the Superintendent of the Asylum to which the Lunatic may be committed to receive the Lunatic, and authorizing the Transmission of the Lunatic to such Asylum, shall be granted by the Sheriff in respect of every such Commitment; and such Lunatic shall be detained in such Asylum until cured, or until Caution shall be found for his safe Custody, in which last Case it shall be lawful for the Sheriff, upon Application to that Effect, and on being satisfied as to such Caution, and the Safety and Propriety of such Custody, to authorize the Delivery of the Lunatic to the Person so finding Security; and the Sheriff, at the Time of granting Warrant to commit such Lunatic to an Asylum, or thereafter in Proceedings following on the said Application, shall pronounce a Judgment finding the Amount of the Expenses connected with the said Application, Inquiry, and Procedure, as the same shall be taxed, and shall grant Decree for such Expenses against the Parish within which the Lunatic shall have been apprehended or found at large, and in favour of the Procurator Fiscal, or other Person (except the Inspector of the Poor) at whose Instance such Application shall have been made and such Inquiry and Procedure conducted, and shall also grant Decree against such Parish and in favour of the Procurator Fiscal or other such Person (except the Inspector of Poor), or in favour of the Superintendent or Keeper of the Asylum to which the Lunatic shall have been committed, for such Sum as may be necessary for the Maintenance of such Lunatic; and every such Decree shall be final and conclusive, and not subject to Review or Reduction

duction in any way or by any Process whatsoever; but the Parish so decerned against and paying such Expenses and Cost of Maintenance shall have Relief and Recourse therefor against the Lunatic and his Estate, and any of his Relatives legally liable for his Maintenance, and also against the Parish of Settlement of such Lunatic in the event of the Parish in which the Lunatic was apprehended or found at large not being the Parish of Settlement as accords of Law.

On Application of Person at whose Instance a Lunatic is detained, Board may authorize his Removal or Liberation on Probation without an Order of the Sheriff.

XVI. The Board may, on the Application of the Person at whose Instance any Lunatic is detained, or in the Absence of such Person on the Application of the nearest known Relative of such Lunatic, and in the Case of a Pauper Lunatic on the Application of the Inspector of Poor of the Parish by which the Expense of the Maintenance of the Lunatic is defrayed, authorize the Removal or Transfer of any such Lunatic from any Asylum or House in which he is detained to any other Asylum or House legally set apart for the Reception and detention of such Persons, and without any Order of the Sheriff; and also on the like Application respectively may grant Authority for the Liberation on Trial or Probation of any Lunatic from any such Asylum or House for such Time and under such Regulations as the Board may consider necessary or proper; and during such Period of Probation or Trial the Warrant and Certificates on which the Detention of such Lunatic proceeded shall, in the Event of his requiring to be again received into any such Asylum or House, be sufficient for his Reception and Detention therein without a new Warrant and Certificate; and the Superintendent of any such Asylum or House shall be bound to receive any such Lunatic into his Establishment without any Order from the Sheriff, but shall, in all other respects, in so far as not inconsistent with this Act, be bound to comply with the whole other Provisions relating to the Reception, Detention, and Liberation of Lunatics in the recited Acts and this Act contained, under the Penalties therein and herein provided.

Superintendent to give Intimation of Recovery of a Lunatic.

XVII. When it shall appear to the Superintendent of any Asylum or House that any Lunatic detained therein has so far recovered that he may be safely liberated without Risk or Injury to the Public or the Lunatic, such Superintendent shall grant a Certificate to that Effect, or procure one from the ordinary Medical Attendant of such Asylum or House, and shall transmit a Copy thereof to the Person at whose Instance such Lunatic is detained, or in the Absence of such Person to the nearest known Relative of the Lunatic, and in the Case of a Pauper Lunatic to the Person or Parish by whom the Expense of the Maintenance of the Lunatic is defrayed; and on the Failure, within Fourteen Days from the Despatch of such Copy Certificate

Certificate of the Person to whom the same was transmitted to take Steps for the Liberation of such recovered Lunatic, such Superintendent shall intimate the Facts to the Board, who may direct such Inquiry into the Circumstances as they deem necessary, and if satisfied that the Lunatic has recovered, or that he may be safely liberated without Risk or Injury to the Public or himself, the Board may order his Discharge forthwith.

If Parochial Board neglect to provide for Removal of a Pauper Lunatic, Board may take necessary Measures.

XVIII. If any Parochial Board, after Intimation shall have been made to them in Terms of Section One hundred and twelve of the first-recited Act, and after Requisition by the Board, shall refuse or neglect for Twenty-one Days after such Requisition to provide for the Removal of a Pauper Lunatic to an Asylum, House, or Lunatic Ward of a Poorhouse, the Board may take such Measures as are necessary for the Removal of such Lunatic to an Asylum, House, or Lunatic Ward of a Poorhouse, and the whole Expense of such Removal, and all subsequent Expenses incurred by the Board for Maintenance and otherwise in respect of such Lunatic, shall be recoverable by the Board, by ordinary Process, from the Parochial Board refusing or neglecting to remove such Pauper Lunatic as aforesaid; but subject to any Right of Relief which such Parochial Board may legally have against the Parish ultimately liable for the Maintenance and Support of such Lunatic.

Insane Prisoners may, on Expiry of Sentence, be detained in General Prison.

XIX. If at any Time within Sixty Days of the Expiration of the Sentence of any Convict or other Prisoner confined in the General Prison at *Perth*, it is certified, on Soul and Conscience, by Two or more Medical Persons, that they have personally visited and carefully examined the Prisoner within the said Sixty Days, and that he is in their Opinion insane, and that his Insanity is of a Kind which renders it advisable that he should be detained in the Lunatic Department of the said General Prison rather than in a Lunatic Asylum, it shall be lawful for One of Her Majesty's Principal Secretaries of State, by a Writing under his Hand, to authorize such Prisoner to be detained in the said General Prison after the Expiration of his Sentence, and such Prisoner may thereupon be detained accordingly; provided that it shall at any Time thereafter be lawful for Her Majesty to give such Order for the safe Custody of such Prisoner during Her Majesty's Pleasure in such Place and in such Manner as to Her Majesty shall seem fit.

Orders may be carried ou in General Prison.

XX. If any Person, having been charged under an Indictment or Criminal Libel, shall be ordered by the Court, under the Provisions of the first-recited Act, to be kept in strict Custody until Her Majesty's Pleasure shall be known, such Order, whether the General Prison at *Perth* be mentioned therein or not, or whether the Name of any other Prison or Place be mentioned therein or not, shall be deemed and is hereby declared to

to be an Order which may be carried into effect in the said General Prison (unless such Order expressly directs that such Person shall not be removed to the said General Prison); and the Person to whom such Order applies may (excepting in the Case above provided) be removed thereto, under the Provisions for the Removal of Prisoners contained in the "Prisons (*Scotland*) Administration Act, 1860," and shall be detained in such Prison until Her Majesty's Pleasure be known; and it shall thereafter be lawful for Her Majesty to give such Order for the safe Custody of such Person during Her Majesty's Pleasure, in such Place and in such Manner as to Her Majesty shall seem fit; provided that within Eight Days after the Reception of such Person within the said General Prison, Intimation of such Reception, under the Hand of the Governor of the General Prison, shall be transmitted to One of Her Majesty's Principal Secretaries of State, and also to the Secretary of the Board.

Orders to be intimated to Managers of Prisons.

XXI. When any such Order shall be pronounced, the Clerk of Court shall within eight Days of the Date thereof send Intimation of such Order, as nearly as may be, in the terms provided in Section Fifty-nine of the said Prisons Administration Act, to the Managers appointed under the said Act.

Sentences for less than Nine Months may be carried out in General Prison.

XXII. If it shall be certified on Soul and Conscience by Two Medical Persons that they have personally visited and carefully examined a Prisoner confined under Sentence in a Local Prison, in Terms of the said Prisons Administration Act, and that such Prisoner is insane, the Sentence, although for a shorter Period than Nine Months, shall be deemed to be a sentence which may be carried into effect in the said General Prison, and such Prisoner may be removed thereto, in Terms of the Provisions of the said Prisons Administration Act for the Removal of Prisoners.

Insane Prisoners may be removed to an Asylum.

XXIII. If, within Fourteen Days of the Period when a Prisoner in the said General Prison would fall to be liberated by Expiry of Sentence or otherwise, it shall be certified on Soul and Conscience by Two Medical Persons that they have personally visited and carefully examined such Prisoner, and that he is insane, such Prisoner may be removed back to the Local Prison to which he had been committed until liberated in due Course of Law, and such Removal may be carried out in Terms of the Provisions of the said Prisons Administration Act for the Removal of Prisoners; and if Arrangements shall have been completed for the Reception of such Prisoner within a Lunatic Asylum in any Part of *Scotland* in which he can be lawfully received and detained, he may be removed to such Asylum as if the same were such Local Prison, in Terms of such Provisions for the Removal of Prisoners.

Secretary of State may give Orders for Custody of Persons

XXIV. The Provisions of the first-recited Act and of this Act, authorizing Her Majesty to give Orders for the safe Custody

tody of any Person during Her Pleasure, may be carried into effect by a Writing under the Hand of One of Her Principal Secretaries of State, and such Writing shall be binding on all Persons concerned. during Her Majesty's Pleasure.

XXV. Sections Twenty-two and Twenty-three of the first-recited Act, and such other of the Provisions of the recited Acts as are inconsistent with this Act, are hereby repealed; and the General Board of Commissioners as established by the said first-recited Act and this Act shall be continued until Parliament shall otherwise determine. Certain Provisions of recited Acts repealed. General Board continued.

CAP. LV.

An Act for the Settlement of a Loan due from the Island of Jamaica *to the Imperial Government.*—[29*th* July 1862.]

CAP. LVI.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.—[29*th* July 1862.] (England.)

CAP. LVII.

An Act to authorize the Sale of Her Majesty's Bakehouse in Peascod Street, Windsor, *and the Application of the Proceeds in the Purchase of Land or Buildings to be held with* Windsor Castle.—[29*th* July 1862.]

CAP. LVIII.

An Act to make further Provision with respect to the raising of Money for erecting and improving Parochial Buildings in Scotland.—[29*th* July 1862.]

WHEREAS it is expedient that Provision should be made for raising the Money required for the Erection and Improvement of Parochial Buildings in *Scotland* by annual Assessments

Assessments extending over a limited Period: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation.

I. The Expression "Parochial Building" in this Act shall mean and include Church, Manse, Churchyard Walls, Schoolhouse, and Schoolmaster's House respectively; and the Word "Sheriff" shall include Sheriff Substitute.

Heritors may resolve that Expense of Parochial Buildings may be raised by annual Assessments.

II. The Heritors of any Parish in *Scotland* in which any new or additional Parochial Building is to be erected, or any existing Parochial Building is to be improved or enlarged, may at any Meeting of such Heritors resolve that the Money required to defray the Expense of the Erection, Improvement, or Enlargement of such Parochial Building shall be raised by annual Assessments extending over any Period not exceeding Ten Years; and on the Adoption of such Resolution such annual Assessments for the Period specified therein shall be imposed, levied, and recovered on and from the Heritors of such Parish in the same Manner, and with the same Liabilities and Rights of Relief, as Assessments for the Erection, Improvement, or Enlargement of such Parochial Building are or may be levied under the Authority of any existing Act relating thereto, or otherwise according to the Law of *Scotland*.

Power to borrow Money.

III. On the Adoption of such Resolution it shall be lawful for the Heritors of such Parish, if they think fit, to borrow the Money required to defray the Expense of the Erection, Improvement, or Enlargement of such Parochial Building, and in security of the Repayment of the Money so borrowed, and the Interest thereof, to charge and assign the said annual Assessments by a Bond and Assignation, signed by any Two Heritors authorized to sign the same at the Meeting at which it shall be resolved to borrow such Money; and in case of Nonpayment of the Money so borrowed, or any Instalment thereof, and the Interest thereon, when the same become due, the Creditor in or Person having right to such Bond and Assignation shall have the same Rights and Remedies for the Recovery of the Sums, Principal and Interest, due or to become due under such Bond and Assignation as are competent to the Heritors of such Parish by any existing Act, or otherwise by the Law of *Scotland*, for levying and recovering Assessments for the Erection, Improvement, or Enlargement of such Parochial Building.

Procedure in Cases where there is only One

IV. Where there is only One Heritor in any Parish in which any new or additional Parochial Building is to be erected, or any existing Parochial Building is to be improved or enlarged, such Heritor may apply by Summary Petition to the Sheriff of the

the County in which such Parish is situate for Authority to raise the Money required to defray the Expense of the Erection, Improvement, or Enlargement of such Parochial Building by annual Assessments extending over any Period not exceeding Ten Years, and to borrow the Money required for that Purpose, and to charge and assign such annual Assessments in security of the Payment thereof and of the Interest thereon; and on considering such Petition the Sheriff shall order Intimation thereof to be given by Advertisement inserted once in each of Two successive Weeks in a Newspaper published or generally circulated in such County; and after such Intimation it shall be lawful for the Sheriff to grant Warrant and Authority to such Heritor to raise the Money so required by annual Assessments as aforesaid, and to charge and assign the same in security of the Repayment of the Money to be borrowed, and the Interest thereof, by a Bond and Assignation signed by such Heritor; and the Creditor in or Person having Right to such Bond and Assignation shall have the same Rights and Remedies for the Recovery of the Sums, Principal and Interest, due and to become due under such Bond and Assignation, as are herein-before provided with respect to Bonds and Assignations signed by any Two Heritors. Heritor in a Parish.

V. The Money borrowed to defray the Expense of erecting, improving, or enlarging any Parochial Building shall be repaid by annual Instalments of not less in any One Year than One Tenth Part of the Principal Sum borrowed, exclusive of the Payment of Interest thereon. Money borrowed to be repaid by annual Instalments.

CAP. LIX.

An Act to render Owners of Dogs in Ireland *liable for Injuries to Sheep.*—[29*th* July 1862.]

CAP. LX.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.—[29*th* July 1862.]

CAP. LXI.

An Act for the better Management of Highways in England.—[29*th* July 1862.]

CAP. LXII.

An Act to amend the Law relating to the Duration of contested Elections for Counties in Ireland, *and for establishing additional Places for taking the Poll thereat.*—[29*th* July 1862.]

CAP. LXIII.

An Act to amend "The Merchant Shipping Act, 1854," "*The Merchant Shipping Act Amendment Act,* 1855," *and "The Customs Consolidation Act,* 1853." —[29*th* July 1862.]

17 & 18 Vict. c. 104. 18 & 19 Vict. c. 91. 16 & 17 Vict. c. 107.

WHEREAS it is expedient further to amend "The Merchant Shipping Act, 1854," "The Merchant Shipping Act Amendment Act, 1855," and "The Customs Consolidation Act, 1853:" Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited as "The Merchant Shipping Act Amendment Act, 1862," and shall be construed with and as Part of "The Merchant Shipping Act, 1854," herein-after termed the Principal Act.

Enactments in Table (A.) repealed.

II. The Enactments described in Table (A.) in the Schedule to this Act shall be repealed as therein mentioned, except as to any Liabilities incurred before such Repeal.

Registry and Measurement of Tonnage (*Part II. of Merchant Shipping Act,* 1854).

Equities not excluded by

III. It is hereby declared that the Expression "Beneficial Interest," whenever used in the Second Part of the Principal Act,

Act, includes Interests arising under Contract and other equitable Interests; and the Intention of the said Act is that, without Prejudice to the Provisions contained in the said Act for preventing Notice of Trusts from being entered in the Register Book or received by the Registrar, and without Prejudice to the Powers of Disposition and of giving Receipts conferred by the said Act on Registered Owners and Mortgagees, and without Prejudice to the Provisions contained in the said Act relating to the Exclusion of unqualified Persons from the Ownership of *British* Ships, Equities may be enforced against Owners and Mortgagees of Ships in respect of their Interest therein, in the same Manner as Equities may be enforced against them in respect of any other Personal Property. Merchant Shipping Act.

IV. Any Body Corporate or Persons having Power to levy Tonnage Rates on Ships may, if they think fit, with the Consent of the Board of Trade, levy such Tonnage Rates upon the registered Tonnage of the Ships as determined by the Rules for the Measurement of Tonnage for the Time being in force under the Principal Act, notwithstanding that the Local Act or Acts under which such Rates are levied provides for levying the same upon some different System of Tonnage Measurement. Tonnage Rates under Local Acts may be levied on the registered Tonnage.

Certificates for Engineers (Part III. of Merchant Shipping Act, 1854).

V. On and after the First Day of *June* One thousand eight hundred and sixty-three, every Steam Ship which is required by the Principal Act to have a Master possessing a Certificate from the Board of Trade shall also have an Engineer or Engineers possessing a Certificate or Certificates from the Board of Trade as follows; that is to say, Steam Ships to carry Certificated Engineers.

(1.) Engineers Certificates shall be of Two Grades, viz., "First-class Engineers Certificates," and "Second-class Engineers Certificates":

(2.) Every Foreign-going Steam Ship of One hundred nominal Horse Power or upwards shall have as its First and Second Engineers Two Certificated Engineers, the first possessing a "First-class Engineers Certificate," and the second possessing a "Second-class Engineers Certificate" or a Certificate of the higher Grade:

(3.) Every Foreign-going Steam Ship of less than One hundred nominal Horse Power shall have as its only or First Engineer an Engineer possessing a "Second-class

class Engineer's Certificate" or a Certificate of the higher Grade:

(4.) Every Sea-going Home Trade Passenger Steam Ship shall have as its only or First Engineer an Engineer possessing a "Second-class Engineer's Certificate" or a Certificate of the higher Grade:

(5.) Every Person who, having been engaged to serve in any of the above Capacities in any such Steam Ship as aforesaid, goes to Sea in that Capacity without being at the Time entitled to and possessed of such Certificate as is required by this Section, and every Person who employs any Person in any of the above Capacities in such Ship without ascertaining that he is at the Time entitled to and possessed of such Certificate as is required by this Section, shall for each such Offence incur a Penalty not exceeding Fifty Pounds.

Examinations for Engineers Certificates of Competency.

VI. The Board of Trade shall from Time to Time cause Examinations to be held of Persons who may be desirous of obtaining Certificates of Competency as Engineers: For the Purpose of such Examinations the Board of Trade shall from Time to Time appoint and remove Examiners, and award the Remuneration to be paid to them; lay down Rules as to the Qualification of Applicants, and as to the Times and Places of Examination; and generally do all such Acts as it thinks expedient in order to carry into effect the Examination of such Engineers as aforesaid.

Fees to be paid by Applicants for Examination.

VII. All Applicants for Examination shall pay such Fees, not exceeding the Sums specified in the Table marked (B.) in the Schedule hereto, as the Board of Trade directs; and such Fees shall be paid to such Persons as the said Board appoints for that purpose, and shall be carried to the Account of the Mercantile Marine Fund.

Certificates of Competency to be granted to those who pass.

VIII. The Board of Trade shall deliver to every Applicant who is duly reported to have passed the Examination satisfactorily, and to have given satisfactory Evidence of his Sobriety, Experience, and Ability, a Certificate of Competency, as First-class Engineer or as Second-class Engineer, as the Case may be.

Engineers Certificates of Service to be delivered on Proof of certain Service.

IX. Certificates of Service for Engineers, differing in Form from Certificates of Competency, shall be granted as follows; that is to say,

(1.) Every Person who before the First Day of *April* One thousand eight hundred and sixty-two has served as First Engineer in any Foreign-going Steam Ship of One hundred nominal Horse Power or upwards, or who

who has attained or attains the Rank of Engineer in the Service of Her Majesty or of the *East India* Company, shall be entitled to a "First-class Engineers Certificate" of Service:

(2.) Every Person who before the First Day of *April* One thousand eight hundred and sixty-two has served as Second Engineer in any Foreign-going Steam Ship of One hundred nominal Horse Power or upwards, or as First or only Engineer in any other Steam Ship, or who has attained or attains the Rank of First-class Assistant Engineer in the Service of Her Majesty, shall be entitled to a "Second-class Engineers Certificate" of Service:

Each of such Certificates of Service shall contain Particulars of the Name, Place, and Time of Birth, and the length and Nature of the Previous Service of the Person to whom the same is delivered; and the Board of Trade shall deliver such Certificates of Service to the various Persons so respectively entitled thereto, upon their proving themselves to have attained such Rank or to have served as aforesaid, and upon their giving a full and satisfactory Account of the Particulars aforesaid.

Certain Provisions of Merchant Shipping Act to apply to Engineers Certificates.

X. The Provisions of the Principal Act, with respect to the Certificates of Competency or Service of Masters and Mates, contained in the 138th, 139th, 140th, 161st, and 162d Sections of the said Act, shall apply to Certificates of Competency or Service granted under this Act in the same Manner as if Certificates of Competency and Service to be granted to Engineers under this Act were specially mentioned and included in the said Sections.

Power of Board of Trade and Local Marine Board to investigate Conduct of Certificated Engineers.

XI. The Power by the 241st Section of the Principal Act given to the Board of Trade or to any Local Marine Board of instituting Investigations into the Conduct of any Master or Mate whom it has reason to believe to be from Incompetency or Misconduct unfit to discharge his Duties, shall extend to any Certificated Engineer whom the Board of Trade or any Local Marine Board has reason to believe to be from Incompetency or Misconduct unfit to discharge his Duties, in the same Manner as if in the said Section the Words "Certificated Engineer" had been inserted after "Master" wherever "Master" occurs in such Section.

Declaration of Engineer Surveyor to contain Statement

XII. The Declaration required to be given by the Engineer Surveyor under Section 309 of the Principal Act shall, in the Case of a Ship by this Act required to have a Certificated Engineer, contain, in addition to the Statements in the said Section mentioned, a Statement that the Certificate

concerning Engineers Certificate.

cate or Certificates of the Engineer or Engineers of such Ship is or are such and in such Condition as is required by this Act.

Masters and Seamen (Part III. of Merchant Shipping Act, 1854).

Third Part of Act to apply to Fishing Boats, Lighthouse Vessels, and Pleasure Yachts, with certain Exceptions.

XIII. The following Vessels; that is to say,

(1.) Registered Seagoing Ships exclusively employed in Fishing on the Coasts of the United Kingdom;

(2.) Seagoing Ships belonging to any of the Three General Lighthouse Boards;

(3.) Seagoing Ships being Pleasure Yachts;

Shall be subject to the whole of the Third Part of the Principal Act; except,—Sections 136, 143, 145, 147, 149, 150, 151, 152, 153, 154, 155, 157, 158, 161, 162, 166, 170, 171, 231, 256, 279, 280, 281, 282, 283, 284, 285, 286, and 287.

Local Marine Board may determine Number of Quorum.

XIV. Whereas Doubts have been entertained whether Local Marine Boards have the Power of determining a Quorum: It is hereby declared, That the Power by the 119th Section of the Principal Act given to every Local Marine Board of regulating the Mode in which its Meetings are to be held and its Business conducted includes the power of determining a Quorum; nevertheless, after the passing of this Act such Quorum shall never consist of less than Three Members.

Titles of Shipping Masters.

XV. The Offices termed Shipping Offices in the Principal Act shall be termed Mercantile Marine Offices, and the Officers termed Shipping Masters and Deputy Shipping Masters in the Principal Act shall be termed Superintendents and Deputy Superintendents of such Offices; but nothing in this Section contained shall invalidate or affect any Act which may be done at any such Office under the Title of a Shipping Office, or any Act which may be done by, with, or to any of the said Officers under the Title of Shipping Master or Deputy Shipping Master.

Punishment for Embezzlement in Shipping Offices.

XVI. Any Person appointed to any Office or Service by or under any Local Marine Board shall be deemed to be a Clerk or Servant within the Meaning of the Sixty-eighth Section of the Act of the Twenty-fifth Year of the Reign of Her present Majesty, Chapter Ninety-six:

If any such Person fraudulently applies or disposes of any Chattel, Money, or valuable Security received by him whilst employed in such Office or Service for or on account of any such Local Marine Board, or for or on account of any other public Board or Department, to his own Use or any Use or Purpose

Purpose other than that for which the same was paid, entrusted to, or received by him, or fraudulently withholds, retains, or keeps back the same or any Part thereof contrary to any lawful Directions or Instructions which he is required to obey in relation to such Office or Service, he shall be deemed guilty of Embezzlement within the Meaning of the said Section:

Any such Person shall, on Conviction of such Offence as aforesaid, be liable to the same Pains and Penalties as are thereby imposed upon any Clerk or Servant for Embezzlement:

In any Indictment against such Person for such Offence it shall be sufficient to charge any such Chattel, Money, or valuable Security as the Property either of the Board by which he was appointed, or of the Board or Department for or on account of which he may have received the same; and no greater Particularity in the Description of the Property shall be required in such Indictment in order to sustain the same, or in proof of the Offence alleged, than is required in respect of an Indictment or the Subject Matter thereof by the Seventy-first Section of the said last-mentioned Act.

Examinations of Masters and Mates at Ports where there are no Local Marine Boards.

XVII. Whereas it is expedient to make Provision in certain Cases for holding Examinations of Applicants for Certificates of Competency at Places where there are no Local Marine Boards: Be it enacted, That the Board of Trade, if satisfied that serious Inconvenience exists at any Port in consequence of the Distance which Applicants for Certificates have to travel in order to be examined, may, with the Concurrence of any Local Marine Board, send the Examiner or Examiners of that Local Marine Board to the Port where such Inconvenience exists; and thereupon the said Examiner or Examiners shall proceed to such Port, and shall there examine the Applicants in the Presence of such Person or Persons (if any) as the Board of Trade may appoint for the Purpose; and such Examinations shall be conducted in the same Manner and shall have the same Effect as other Examinations under the said Act.

Construction of Sect. 182 of Principal Act. Stipulations concerning Salvage.

XVIII. It is hereby declared that the 182d Section of the Principal Act does not apply to the Case of any Stipulation made by the Seamen belonging to any Ship, which according to the Terms of the Agreement is to be employed on Salvage Service, with respect to the Remuneration to be paid to them for Salvage Services to be rendered by such Ship to any other Ship or Ships.

Payment of Wages to Seame

XIX. The Payment of Seamen's Wages required by the 209th Section of the Principal Act shall, whenever it is practicable

abroad under Section 209 of Principal Act.

ticable so to do, be made in Money and not by Bill; and in Cases where Payment is made by Bill drawn by the Master, the Owner of the Ship shall be liable to pay the Amount for which the same is drawn to the Holder or Indorsee thereof; and it shall not be necessary in any Proceeding against the Owner upon such Bill to prove that the Master had Authority to draw the same; and any Bill purporting to be drawn in pursuance of the said Section, and to be indorsed as therein required, if produced out of the Custody of the Board of Trade or of the Registrar General of Seamen, or of any Superintendent of any Mercantile Marine Office, shall be received in Evidence; and any Indorsement on any such Bill purporting to be made in pursuance of the said Section, and to be signed by one of the Functionaries therein mentioned, shall also be received in Evidence, and shall be deemed to be *prima facie* Evidence of the Facts stated in such Indorsement.

Wages and Effects of deceased Seamen.

XX. The 197th Section of the Principal Act shall extend to Seamen or Apprentices who within the Six Months immediately preceding their Death have belonged to a *British* Ship; and such Section shall be construed as if there were inserted in the First Line thereof after the Words "such Seaman or Apprentice as last aforesaid" the Words "or if any Seaman or Apprentice who has within the Six Months immediately preceding his Death belonged to a *British* Ship."

Recovery of Wages, &c. of Seamen lost with their Ship.

XXI. The Wages of Seamen or Apprentices who are lost with the Ship to which they belong shall be dealt with as follows; (that is to say,)

(1.) The Board of Trade may recover the same from the Owner of the Ship in the same Manner in which Seamen's Wages are recoverable:

(2.) In any Proceedings for the Recovery of such Wages, if it is shown by some official Return produced out of the Custody of the Registrar General of Seamen or by other Evidence that the Ship has Twelve Months or upwards before the Institution of the Proceeding left a Port of Departure, and if it is not shown that she has been heard of within Twelve Months after such Departure, she shall be deemed to have been lost with all Hands on board, either immediately after the Time she was last heard of or at such later Time as the Court hearing the Case may think probable:

(3.) The Production out of the Custody of the Registrar General of Seamen or of the Board of Trade of any Duplicate Agreement or List of the Crew made out at the Time of the last Departure of the Ship from the

the United Kingdom, or of a Certificate purporting to be a Certificate from a Consular or other public Officer at any Port abroad, stating that certain Seamen or Apprentices were shipped in the Ship from the said Port, shall, in the Absence of Proof to the contrary, be sufficient Proof that the Seamen or Apprentices therein named were on board at the Time of the Loss:

(4.) The Board of Trade shall deal with such Wages in the Manner in which they deal with the Wages of other deceased Seamen and Apprentices under the Principal Act.

Relief of distressed Seamen to be regulated by Board of Trade.

XXII. Whereas under the 211th and 212th Sections of the Principal Act, and the 16th Section of "The Merchant Shipping Act Amendment Act, 1855," Provision is made for relieving and sending home Seamen found in Distress abroad: And whereas Doubts are entertained whether Power exists under the said Sections of making Regulations and imposing Conditions which are necessary for the Prevention of Desertion and Misconduct and the undue Expenditure of Public Money: Be it enacted, and it is hereby declared, That the Claims of Seamen to be relieved or sent home in pursuance of the said Sections or any of them shall be subject to such Regulations and dependent on such Conditions as the Board of Trade may from Time to Time make or impose; and no Seaman shall have any Right to demand to be relieved or sent home except in the Cases and to the Extent provided for by such Regulations and Conditions.

Power of cancelling Certificate to rest with the Court which hears the Case.

XXIII. The following Rules shall be observed with respect to the Cancellation and Suspension of Certificates, that is to say:

(1.) The Power of cancelling or suspending the Certificate of a Master or Mate by the 242d Section of the Principal Act conferred on the Board of Trade shall (except in the Case provided for by the Fourth Paragraph of the said Section) vest in and be exercised by the Local Marine Board, Magistrates, Naval Court, Admiralty Court, or other Court or Tribunal by which the Case is investigated or tried, and shall not in future vest in or be exercised by the Board of Trade:

(2.) Such power shall extend to cancelling or suspending the Certificates of Engineers in the same Manner as if "Certificated Engineer" or "Certificated Engineers" were inserted throughout such Section after "Master" or "Masters":

(3.) Every

(3.) Every such Board, Court, or Tribunal shall at the Conclusion of the Case, or as soon afterwards as possible, state in open Court the Decision to which they may have come with respect to cancelling or suspending Certificates, and shall in all Cases send a full Report upon the Case, with the Evidence, to the Board of Trade, and shall also, if they determine to cancel or suspend any Certificate, forward such Certificate to the Board of Trade with their Report:

(4.) It shall be lawful for the Board of Trade, if they think the Justice of the Case require it, to reissue and return any Certificate which has been cancelled or suspended, or shorten the Time for which it is suspended, or grant a new Certificate of the same or any lower Grade in place of any Certificate which has been cancelled or suspended:

(5.) The 434th and 437th Sections of the Principal Act shall be read as if for the Word "Nautical" were substituted the Words "Nautical or Engineering," and as if for the Word "Person" and "Assessor" respectively were substituted the Words "Person or Persons" and "Assessor or Assessors" respectively:

(6.) No Certificate shall be cancelled or suspended under this Section unless a Copy of the Report or a Statement of the Case upon which the Investigation is ordered has been furnished to the Owner of the Certificate before the Commencement of the Investigation, nor, in the Case of Investigations conducted by Justices or a Stipendiary Magistrate, unless One Assessor at least expresses his Concurrence in the Report.

Certificate to be delivered up.

XXIV. Every Master or Mate or Engineer whose Certificate is or is to be suspended or cancelled in pursuance of this Act shall, upon Demand of the Board, Court, or Tribunal by which the Case is investigated or tried, deliver his Certificate to them, or, if it is not demanded by such Board, Court, or Tribunal, shall, upon Demand, deliver it to the Board of Trade, or as it directs, and in default shall for each Offence incur a Penalty not exceeding Fifty Pounds.

Safety (*Part IV. of Merchant Shipping Act*, 1854).

Enactment of Regulations concerning Lights, Fog Signals, and

XXV. On and after the First Day of *June* One thousand eight hundred and sixty-three, or such later Day as may be fixed for the Purpose by Order in Council, the Regulations contained in the Table marked (C.) in the Schedule hereto shall come into operation and be of the same Force as if they were

were enacted in the Body of this Act; but Her Majesty may from Time to Time, on the joint Recommendation of the Admiralty and the Board of Trade, by Order in Council, annul or modify any of the said Regulations, or make new Regulations in addition thereto or in substitution therefor; and any Alterations in or Additions to such Regulations made in manner aforesaid shall be of the same Force as the Regulations in the said Schedule. Sailing Rules in Schedule, Table (C.)

XXVI. The Board of Trade shall cause the said Regulations and any Alterations therein or Additions thereto hereafter to be made to be printed, and shall furnish a Copy thereof to any Owner or Master of a Ship who applies for the same; and Production of the Gazette in which any Order in Council containing such Regulations or any Alterations therein or Additions thereto is published, or of a Copy of such Regulations, Alterations, or Additions, signed or purporting to be signed by One of the Secretaries or Assistant Secretaries of the Board of Trade, or sealed or purporting to be sealed with the Seal of the Board of Trade, shall be sufficient Evidence of the due making and Purport of such Regulations, Alterations, or Additions. Regulations to be published.

XXVII. All Owners and Masters of Ships shall be bound to take notice of all such Regulations as aforesaid, and shall, so long as the same continue in force, be bound to obey them, and to carry and exhibit no other Lights and to use no other Fog Signals than such as are required by the said Regulations; and in case of wilful Default, the Master, or the Owner of the Ship if it appear that he was in such Fault, shall, for each Occasion upon which such Regulations are infringed, be deemed to be guilty of a Misdemeanor. Owners and Masters bound to obey them.

XXVIII. In case any Damage to Person or Property arises from the Non-observance by any Ship of any Regulation made by or in pursuance of this Act, such Damage shall be deemed to have been occasioned by the wilful Default of the Person in charge of the Deck of such Ship at the Time, unless it is shown to the Satisfaction of the Court that the Circumstances of the Case made a Departure from the Regulation necessary. Breaches of Regulations to imply wilful Default of Person in charge.

XXIX. If in any Case of Collision it appears to the Court before which the Case is tried that such Collision was occasion by the Non-observance of any Regulation made by or in pursuance of this Act, the Ship by which such Regulation has been infringed shall be deemed to be in fault, unless it is shown to the Satisfaction of the Court that the Circumstances of the Case made a Departure from the Regulation necessary. If Collision ensues from Breach of the Regulations, Ship to be deemed in fault.

XXX. The following Steps may be taken in order to enforce Compliance with the said Regulations; that is to say, Inspection for enforcing Regulations.

(1.) The

(1.) The Surveyors appointed under the Third Part of the Principal Act, or such other Persons as the Board of Trade may appoint for the Purpose, may inspect any Ships for the Purpose of seeing that such Ships are properly provided with Lights and with the Means of making Fog Signals in pursuance of the said Regulations, and shall for that Purpose have the Powers given to Inspectors by the 14th Section of the Principal Act:

(2.) If any such Surveyor or Person finds that any Ship is not so provided, he shall give to the Master or Owner Notice in Writing, pointing out the Deficiency, and also what is, in his Opinion, requisite in order to remedy the same:

(3.) Every Notice so given shall be communicated in such Manner as the Board of Trade may direct to the Collector or Collectors of Customs at any Port or Ports from which such Ship may seek to clear or at which her Transire is to be obtained; and no Collector to whom such Communication is made shall clear such Ship outwards or grant her a Transire, or allow her to proceed to Sea, without a Certificate under the Hand of One of the said Surveyors or other Persons appointed by the Board of Trade as aforesaid, to the Effect that the said Ship is properly provided with Lights and with the Means of making Fog Signals in pursuance of the said Regulations.

Rules for Harbours under Local Acts to continue in force.

XXXI. Any Rules concerning the Lights or Signals to be carried by Vessels navigating the Waters of any Harbour, River, or other Inland Navigation, or concerning the Steps for avoiding Collision to be taken by such Vessels, which have been or are hereafter made by or under the Authority of any Local Act, shall continue and be of full Force and Effect notwithstanding anything in this Act or in the Schedule thereto contained.

In Harbours and Rivers where no such Rules exist they may be made.

XXXII. In the Case of any Harbour, River, or other Inland Navigation for which such Rules are not and cannot be made by or under the Authority of any Local Act, it shall be lawful for Her Majesty in Council, upon Application from the Harbour Trust or Body Corporate, if any, owning or exercising Jurisdiction upon the Waters of such Harbour, River, or Inland Navigation, or, if there is no such Harbour Trust or Body Corporate, upon Application from Persons interested in the Navigation of such Waters, to make Rules concerning the Lights or Signals to be carried, and concerning the Steps for avoiding Collision to be taken by Vessels navigating such Waters;

Waters; and such Rules, when so made, shall, so far as regards Vessels navigating such Waters, have the same Effect as if they were Regulations contained in Table (C.) in the Schedule to this Act, notwithstanding anything in this Act or in the Schedule thereto contained.

In case of Collision one Ship shall assist the other.

XXXIII. In every Case of Collision between Two Ships it shall be the Duty of the Person in charge of each Ship, if and so far as he can do so without Danger to his own Ship and Crew, to render to the other Ship, her Master, Crew, and Passengers (if any), such Assistance as may be practicable and as may be necessary in order to save them from any Danger caused by the Collision:

In case he fails so to do, and no reasonable Excuse for such Failure is shown, the Collision shall, in the Absence of Proof to the contrary, be deemed to have been caused by his wrongful Act, Neglect, or Default; and such Failure shall also, if proved upon any Investigation held under the Third or the Eighth Part of the Principal Act, be deemed to be an Act of Misconduct or a Default for which his Certificate (if any) may be cancelled or suspended.

Surveys of Steamers.

XXXIV. Notwithstanding anything in the 311th Section of the Principal Act contained, it shall not be necessary for the Surveys of Passenger Steamers to be made in the Months of *April* and *October;* but no Declaration shall be given by any Surveyor under the Fourth Part of the said Act for a Period exceeding Six Months, and no Certificate issued by the Board of Trade shall remain in force more than Six Months from the date thereof.

Penalties on drunken or disorderly Passengers.

XXXV. The following Offenders, that is to say,

(1.) Any Person who, being drunken or disorderly, has been on that Account refused Admission into any duly surveyed Passenger Steamer by the Owner or any Person in his Employ, and who, after having had the Amount of his Fare (if he has paid the same) returned or tendered to him, nevertheless persists in attempting to enter such Steamer;

(2.) Any Person who being drunken or disorderly on board any such Steamer is requested by the Owner or any Person in his Employ to leave the same at any Place in the United Kingdom at which he can conveniently so do, and who, having had the Amount of his Fare (if he has paid the same) returned or tendered to him, refuses to comply with such request;

On Persons molesting Passengers.

(3.) Any Person on board any such Steamer who after Warning by the Master or any other Officer of the Steamer molests or continues to molest any Passenger;

(4.) Any

Penalties on Persons forcing way on board the Ship when full.

(4.) Any Person who, after having been refused Admission into any such Steamer by the Owner or any Person in his Employ on account of such Steamer being full, and who after having had the full Amount of his Fare (if he has paid the same) returned or tendered to him, nevertheless persists in attempting to enter the same;

And on Persons refusing to quit the Ship when full.

(5.) Any Person, having got on board any such Steamer, who, upon being requested on the like Account by the Owner or any Person in his Employ to leave such Steamer before the same has quitted the Place at which such Person got on board, and who upon having the full Amount of his Fare (if he has paid the same) returned or tendered to him, refuses to comply with such Request;

Penalties for avoiding Payment of Fares.

(6.) Any Person who travels or attempts to travel in any such Steamer without having previously paid his Fare, and with Intent to avoid Payment thereof;

(7.) Any Person who, having paid his Fare for a certain Distance, knowingly and wilfully proceeds in any such Steamer beyond such Distance without previously paying the additional Fare for the additional Distance, and with Intent to avoid Payment thereof;

(8.) Any Person who knowingly and wilfully refuses or neglects, on arriving at the Point to which he has paid his Fare, to quit any such Steamer; and

(9.) Any Person on board any such Steamer who does not when required by the Master or other Officer of such Steamer either pay his Fare or exhibit such Ticket or other Receipt (if any) showing the Payment of his Fare as is usually given to Persons travelling by and paying their Fare for such Steamer;

Shall for every such Offence be liable to a Penalty not exceeding Forty Shillings; but such Liability shall not prejudice the Recovery of any Fare payable by him.

Penalty for injuring Steamer or molesting Crew.

XXXVI. Any Person on board any such Steamer who wilfully does or causes to be done anything in such a Manner as to obstruct or injure any Part of the Machinery or Tackle of such Steamer, or to obstruct, impede, or molest the Crew or any of them in the Navigation or Management of such Steamer, or otherwise in the Execution of their Duty upon or about such Steamer, shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds.

Manner of apprehending Offenders.

XXXVII. It shall be lawful for the Master or other Officer of any duly surveyed Passenger Steamer, and for all Persons called

called by him to his Assistance, to detain any Person who has committed any Offence against any of the Provisions of the Two last preceding Sections of this Act, and whose Name and Address are unknown to such Officer, and to convey such Offender with all convenient Despatch before some Justice without any Warrant or other Authority than this Act; and such Justice shall have Jurisdiction to try the Case, and shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Provisions as to carrying dangerous Goods.

XXXVIII. The Provisions of the 329th Section of the Principal Act shall extend to Foreign Ships when within the Limits of the United Kingdom.

Pilotage (*Part V. of Merchant Shipping Act*, 1854).

Power of Pilotage Authorities to exempt from compulsory Pilotage.

XXXIX. Whereas it is enacted by the Principal Act that every Pilotage Authority shall have Power, in manner and subject to the Conditions therein mentioned, to do the following Things; (that is to say,)

To exempt the Masters of any Ships or of any Classes of Ships from being compelled to employ qualified Pilots:

To alter and reduce Rates of Pilotage.

To lower and modify the Rates and Prices or other Remuneration to be demanded and received for the Time being by Pilots licensed by such Authority:

To arrange the Limits of Pilotage Districts.

To make Arrangements with any other Pilotage Authority for altering the Limits of their respective Districts, and for extending the Powers of such other Authority, and transferring its own Powers to such last-mentioned Authority:

And whereas it is expedient that increased Facilities should be given for effecting the Objects contemplated by the said recited Enactments, and for further amending the Law concerning Pilotage, and that in so doing Means should be afforded for paying due Regard to existing Interests and to the Circumstances of particular Cases: Be it enacted, That it shall be lawful for the Board of Trade, by Provisional Order, to do the following Things; that is to say,

Power by Provisional Order,—

To transfer Pilotage Jurisdiction.

(1.) Whenever any Pilotage Authority residing or having its Place of Business at One Port has or exercises Jurisdiction in Matters of Pilotage in any other Port, to transfer so much of the said Jurisdiction as concerns such last-mentioned Port to any Harbour Trust or other Body exercising any local Jurisdiction in Maritime Matters at the last-mentioned Port or to any Body to be constituted for the Purpose by the Provisional Order, or, in Cases where the said Pilotage

Pilotage Authority is not the *Trinity House of Deptford Strond*, to the said *Trinity House;* or to transfer the whole or any Part of the Jurisdiction of the said Pilotage Authority to a new Body Corporate or Body of Persons to be constituted for the Purpose by the Provisional Order, so as to represent the Interests of the several Ports concerned:

And to make consequent Arrangements.

(2.) To make the Body Corporate or Persons to whom the said Transfer is made a Pilotage Authority within the Meaning of the Principal Act, with such Powers for the Purpose as may be in the Provisional Order in that Behalf mentioned:

To determine the Limits of the District of the Pilotage Authority to which the Transfer of Jurisdiction is made:

To sanction a Scale of Pilotage Rates to be taken by the Pilots to be licensed by the last-mentioned Pilotage Authority:

To determine to what Extent and under what Conditions any Pilots already licensed by the former Pilotage Authority shall continue to act under the new Pilotage Authority:

To sanction Arrangements for the Apportionment of any Pilotage Funds belonging to the Pilots licensed by the former Pilotage Authority between the Pilots remaining under the Jurisdiction of that Authority and the Pilots who are transferred to the Jurisdiction of the new Authority:

To provide for such Compensation or Superannuation as may be just to Officers employed by the former Pilotage Authority and not continued by the new Authority:

To constitute new Authorities.

(3.) To constitute a Pilotage Authority and to fix the Limits of its District in any Place in the United Kingdom where there is no such Authority; so, however, that in the new Pilotage Districts so constituted there shall be no compulsory Pilotage, and no Restriction on the Power of duly qualified Persons to obtain Licences as Pilots:

To exempt from compulsory Pilotage in any District.

(4.) To exempt the Masters and Owners of all Ships, or of any Classes of Ships, from being obliged to employ Pilots in any Pilotage District or in any Part of any Pilotage District, or from being obliged to pay for Pilots when not employing them in any District or in any Part of any Pilotage District, and to annex any Terms and Conditions to such Exemptions:

(5.) In

(5.) In Cases where the Pilotage is not compulsory, and where there is no Restriction on the Power of duly qualified Persons to obtain Licences as Pilots, to enable any Pilotage Authority to license Pilots and fix Pilotage Rates for any Part of the District within the Jurisdiction of such Authority for which no such Licences or Rates now exist: To enable existing Authorities to grant Licences and fix Rates.

(6.) In Cases where the Pilotage is not compulsory, and where there is no Restriction on the Power of duly qualified Persons to obtain Licences as Pilots, to enable any Pilotage Authority to raise all or any of the Pilotage Rates now in force in the District or any Part of the District within the Jurisdiction of such Authority: To raise Rates.

(7.) In Cases where the Pilotage is not compulsory, and where there is no Restriction on the Number of Pilots, or on the Power of duly qualified Persons to obtain Licences as Pilots, to give additional Facilities for the Recovery of Pilotage Rates and for the Prevention of the Employment of unqualified Pilots: To facilitate Recovery of Rates in certain Cases.

(8.) To give Facilities for enabling duly qualified Persons, after proper Examination as to their Qualifications, to obtain Licences as Pilots. To facilitate Grants of Licences.

XL. The following Rules shall be observed with respect to Provisional Orders made in pursuance of this Act: Regulations with respect to Manner of making and confirming Provisional Orders.

1. Application in Writing for such Order shall be made to the Board of Trade by some Persons interested in the Pilotage of the District or in the Operation of the Laws or Regulations relating to such Pilotage:
2. Notice of such Application having been made shall be published once at the least in each of Two successive Weeks in the Month immediately succeeding the Time of such Application in the *Shipping Gazette*, and in some Newspaper or Newspapers circulating in the County, or, if there are more than One, in the Counties adjacent to the Pilotage District to be affected by the Order:
3. The Notice so published shall state the Objects which it is proposed to effect by the Provisional Order:
4. The Board of Trade on receiving the Application shall refer the same to the Pilotage Authority or Authorities of the District, and shall receive and consider any Objections which may be made to the proposed Provisional Order, and shall for that Purpose allow at least Six Weeks to elapse between the Time

Time of referring the Application to the Pilotage Authority and the Time of making the Provisional Order:

5. The Board of Trade shall, after considering all Objections, determine whether to proceed with the Provisional Order or not; and shall, if they determine to proceed with it, settle it in such Manner and with such Terms and Conditions, not being inconsistent with the Provisions of this Act, as they may think fit; and shall, when they have settled the same, forward Copies thereof to the Persons making the Application and to the Pilotage Authority or Authorities of the District or Districts to which it refers:

6. No such Provisional Order shall take effect unless and until the same is confirmed by Parliament; and for the Purpose of procuring such Confirmation the Board of Trade shall introduce into Parliament a Public General Bill, or Public General Bills, in which, or in the Schedule to which, the Provisional Order or Provisional Orders to be thereby confirmed shall be set out at Length:

7. If any Petition is presented to either House of Parliament against any such Provisional Order as aforesaid in the Progress through Parliament of the Bill confirming the same, so much of the Bill as relates to the Order so petitioned against may be referred to a Select Committee, and the Petitioner shall in such Case be allowed to appear and oppose as in the Case of Private Bills.

Extension of Exemptions from compulsory Pilotage.

XLI. The Masters and Owners of Ships passing through the Limits of any Pilotage District in the United Kingdom on their Voyages between Two Places both situate out of such Districts shall be exempted from any Obligation to employ a Pilot within such District, or to pay Pilotage Rates when not employing a Pilot within such District: Provided that the Exemption contained in this Section shall not apply to Ships loading or discharging at any Place situate within such District, or at any Place situate above such District on the same River or its Tributaries.

Arrangement of Pilot Funds for Bristol Channel Pilots.

XLII. Whereas under the Provisions of the *Bristol Channel* Pilotage Act, 1861, Pilotage Authorities have been established at the Ports of *Newport* and *Gloucester*, and the Pilots theretofore licensed by the *Trinity House of Deptford Strond* for those Parts have ceased to be so licensed: And whereas no Provision has been made by the said Act for dealing with such

such Interests as the said Pilots may have in the *Trinity House* Pilot Fund mentioned in the Principal Act: Be it therefore enacted, That, notwithstanding the said Pilots have ceased to be licensed by the *Trinity House*, the *Trinity House* may make such an equitable Arrangement in the Administration of the *Trinity House* Pilot Fund mentioned in the Principal Act with reference to the Interests of the Pilots so ceasing to be licensed by them as aforesaid as they may in their Discretion think fit.

Lighthouses (*Part VI. of Merchant Shipping Act*, 1854).

XLIII. The following Rules shall be observed with respect to the Inspection of local Lighthouses, Buoys, and Beacons; that is to say,

Lights, &c. under Local Authorities to be inspected, &c. by Trinity House, and other General Authorities.

(1.) It shall be the Duty of each of the General Lighthouse Authorities, or of such Persons as may be authorized by such Authority for the Purpose, to inspect all Lights, Buoys, and Beacons situate within the Limits of the Jurisdiction of such General Authority, but belonging to or under the Jurisdiction of any Local Authorities, and to make such Inquiries in respect thereof and of the Management thereof as they may think fit:

(2.) All Officers and others having the Care of such Lighthouses, Buoys, or Beacons, or concerned in the Management thereof, shall furnish all such Information and Explanations concerning the same as they may require:

(3.) All such Local Authorities and their respective Officers shall at all Times give to the Inspecting Authority all such Returns, Explanations, or Information concerning the Lighthouses, Buoys, and Beacons within their Jurisdiction, and the Management thereof, as the said Authority may from Time to Time require:

(4.) The Inspecting Authority shall communicate to each Local Authority the Results of its Inspection of the Lighthouses, Buoys, and Beacons within its Jurisdiction, and shall also make General Reports of the Results of its Inspection of local Lighthouses, Buoys, and Beacons to the Board of Trade; and such Reports shall be laid before Parliament:

(5.) The Powers given by the 394th Section of the Principal Act to the General Lighthouse Authorities shall, so far as the same are applicable, extend and apply to the Case of local Buoys and Beacons, other than local

local Buoys and Beacons placed or erected for temporary Purposes, as well as to the Case of local Lighthouses.

Liability for and Recovery of Light Dues.

XLIV. The following Persons shall be liable to pay Light Dues for any Ship in respect of which Light Dues are payable; (that is to say,) the Owner or Master, or such Consignees or Agents thereof as have paid or made themselves liable to pay any other Charge on account of such Ship in the Port of her Arrival or Discharge, and in default of Payment such Light Dues may be recovered in the same Manner as Penalties of the like Amount may be recovered by virtue of the Principal Act.

Powers of Consignees to retain Light Dues paid by them.

XLV. Every Consignee and Agent (not being the Owner or Master) hereby made liable for the Payment of Light Dues in respect of any Ship may, out of any Monies in his Hands received on account of such Ship, or belonging to the Owner thereof, retain the Amount of all Dues so paid by him, together with any reasonable Expenses he may have incurred by reason of such Payment or Liability.

Dues may be levied for local Lights.

XLVI. If any Lighthouse, Buoy, or Beacon is erected or placed, or reconstructed, repaired, or replaced by any Local Authority having Jurisdiction in the Matter of Lighthouses, Buoys, or Beacons, Her Majesty may, on the Application of the said Local Authority, by Order in Council fix such Dues to be paid to the said Local Authority in respect of every Ship which enters the Port or Harbour under the Jurisdiction of such Local Authority or the Estuary wherein such Lighthouse, Buoy, or Beacon is situate, and which passes the said Lighthouse, Buoy, or Beacon, and derives Benefit therefrom, as Her Majesty may deem reasonable:

The Dues for the Time being fixed by any such Order in Council as aforesaid shall be paid accordingly by the Master of the said Ship or other Person or Persons by whom the said Light Dues, if levied by One of the General Lighthouse Authorities, would be payable, and shall be recoverable in the same Manner as Light Dues payable to such General Authorities are recoverable.

Application of and Accounts of such Dues.

XLVII. All Light Dues leviable by any Local Authority under this Act shall be applied for the Purposes of the Construction, Placing, Maintenance, and Improvement of the Lighthouses, Buoys, and Beacons in respect of which the same are levied, and for no other Purpose:

The Local Authority to whom the same are paid shall keep a separate Account of the Receipt and Expenditure of such Dues, and shall once in every Year, or at such other Time as the Board of Trade may determine, send a Copy of such Account

Account to the Board of Trade, and shall send the same in such Form and shall give such Particulars in relation thereto as the Board of Trade may require:

Her Majesty may by Order in Council from Time to Time reduce, alter, or increase all or any of such Dues, so that the same may, so far as it is practicable, be sufficient and not more than sufficient for the Payment of the Expenses incurred by the Local Authority in respect of the Lighthouses, Buoys, or Beacons for which the Dues are levied.

Construction of Sect. 431. of Principal Act.

XLVIII. The 431st Section of the Principal Act shall be read as if after the Word "Ships" there were inserted the Words "and Boats."

Wreck and Salvage (Part VIII. of Merchant Shipping Act, 1854).

Extension and Amendment of summary Jurisdiction in small Salvage Cases.

XLIX. The Provisions contained in the Eighth Part of the Principal Act for giving summary Jurisdiction to Two Justices in Salvage Cases, and for preventing unnecessary Appeals and Litigation in such Cases, shall be amended as follows; (that is to say,)

(1.) Such Provision shall extend to all Cases in which the Value of the Property saved does not exceed One thousand Pounds, as well as to the Cases provided for by the Principal Act:

(2.) Such Provisions shall be held to apply whether the Salvage Service has been rendered within the Limits of the United Kingdom or not:

(3.) It shall be lawful for One of Her Majesty's Principal Secretaries of State, or in *Ireland* for the Lord Lieutenant or other Chief Governor or Governors, to appoint out of the Justices for any Borough or County a Rota of Justices by whom Jurisdiction in Salvage Cases shall be exercised:

(4.) When no such Rota is appointed, it shall be lawful for the Salvors, by Writing addressed to the Justice's Clerk, to name One Justice, and for the Owner of the Property saved in like Manner to name the other:

(5.) If either Party fails to name a Justice within a reasonable Time, the Case may be tried by Two or more Justices at Petty Sessions:

(6.) It shall be competent for any Stipendiary Magistrate, and also in *England* for any County Court Judge, in *Scotland* for the Sheriff or Sheriff Substitute of any County, and in *Ireland* for the Recorder of any Borough

Borough in which there is a Recorder, or for the Chairman of Quarter Sessions in any County, to exercise the same Jurisdiction in Salvage Cases as is given to Two Justices :

(7.) It shall be lawful for One of Her Majesty's Principal Secretaries of State to determine a Scale of Costs to be awarded in Salvage Cases by any such Justices or Court as aforesaid :

(8.) All the Provisions of the Principal Act relating to summary Proceedings in Salvage Cases, and to the Prevention of unnecessary Appeals in such Cases, shall, except so far as the same are altered by this Act, extend and apply to all such Proceedings, whether under the Principal Act or this Act, or both of such Acts.

Receiver may appoint a Valuer in Salvage Cases.

L. Whenever any Salvage Question arises the Receiver of Wreck for the District may, upon Application from either of the Parties, appoint a Valuer to value the Property in respect of which the Salvage Claim is made, and shall, when the Valuation has been returned to him, give a Copy of the Valuation to both Parties ; and any Copy of such Valuation, purporting to be signed by the Valuer, and to be attested by the Receiver, shall be received in Evidence in any subsequent Proceeding ; and there shall be paid in respect of such Valuation, by the Party applying for the same, such Fee as the Board of Trade may direct.

Jurisdiction of Court of Session in Salvage Cases.

LI. The Words "Court of Session" in the Four hundred and sixty-eighth Section of the Principal Act shall be deemed to mean and include either Division of the Court of Session or the Lord Ordinary officiating on the Bills during Vacation.

Delivery of Wreck by Receiver not to prejudice Title.

LII. Upon Delivery of Wreck or of the Proceeds of Wreck by any Receiver to any Person in pursuance of the Provisions of the Eighth Part of the Principal Act such Receiver shall be discharged from all Liability in respect thereof, but such Delivery shall not be deemed to prejudice or affect any Question concerning the Right or Title to the said Wreck which may be raised by Third Parties, nor shall any such Delivery prejudice or affect any Question concerning the Title to the Soil on which the Wreck may have been found.

Crown Rights to Wreck.

LIII. Whereas by the Principal Act it is provided that the Proceeds of Wreck, if the same is not claimed by the Owner within a Year, and if no Person other than Her Majesty, Her Heirs and Successors, is proved to be entitled thereto, shall, subject to certain Deductions, be paid into the Receipt of Her Majesty's Exchequer in such Manner as the Commissioners of the Treasury may direct, and that the same shall

shall be carried to and form Part of the Consolidated Fund of the United Kingdom:

And whereas Doubts have been entertained whether the said last-recited Provision is consistent with the Arrangements concerning the Hereditary Revenues of the Crown effected by the Act of the First Year of Her present Majesty, Chapter Two: And whereas Doubts have also been entertained whether due Provision is made by the said Act for paying to the Revenues of the Duchies of *Lancaster* and *Cornwall* respectively such of the said Proceeds as may belong to those Duchies: 1 Vict. c. 2.

It is hereby declared, That such of the said Proceeds of Wreck as belong to Her Majesty in right of Her Crown shall, during the Life of Her present Majesty (whom God long preserve), be carried to and form Part of the Consolidated Fund of the United Kingdom, and shall after the Decease of Her present Majesty (whom God long preserve) be payable and paid to Her Majesty's Heirs and Successors:

And it is hereby further declared, That such of the said Proceeds of Wreck as belong to Her Majesty in right of Her Duchy of *Lancaster* shall be paid to the Receiver General of the said Duchy or his sufficient Deputy or Deputies as Part of the Revenues of the said Duchy and be dealt with accordingly:

And it is hereby further declared and enacted, That the Provision in the Principal Act contained regarding the Sale of unclaimed Wreck to which no Owner establishes his Claim within the Period of One Year, and to which no Admiral, Vice Admiral, Lord of any Manor, or Person other than Her Majesty, Her Heirs and Successors, is proved to be entitled, is intended and shall be construed to apply to Wreck of the Sea belonging to Her Majesty, Her Heirs and Successors, in respect of the Duchy of *Cornwall*, or to the Duke of *Cornwall* for the Time being in respect of his Duchy of *Cornwall*: But that the Proceeds of such Wreck shall, subject to such Deductions as are in the same Act mentioned, form Part of the Revenues of the Duchy of *Cornwall*, and be dealt with accordingly.

Liability of Shipowners (Part IX. of Merchant Shipping Act, 1854).

Shipowners Liability limited.

LIV. The Owners of any Ship, whether *British* or Foreign, shall not, in Cases where all or any of the following Events occur without their actual Fault or Privity, that is to say,

(1.) Where any Loss of Life or personal Injury is caused to any Person being carried in such Ship;

(2.) Where

(2.) Where any Damage or Loss is caused to any Goods, Merchandise, or other Things whatsoever on board any such Ship;

(3.) Where any Loss of Life or personal Injury is by reason of the improper Navigation of such Ship as aforesaid caused to any Person carried in any other Ship or Boat;

(4.) Where any Loss or Damage is by reason of the improper Navigation of such Ship as aforesaid caused to any other Ship or Boat, or to any Goods, Merchandise, or other Things whatsoever on board any other Ship or Boat;

be answerable in Damages in respect of Loss of Life or personal Injury, either alone or together with Loss or Damage to Ships, Boats, Goods, Merchandise, or other Things, to an aggregate Amount exceeding Fifteen Pounds for each Ton of their Ship's Tonnage; nor in respect of Loss or Damage to Ships, Goods, Merchandise, or other Things, whether there be in addition Loss of Life or personal Injury or not, to an aggregate Amount exceeding Eight Pounds for each Ton of the Ship's Tonnage; such Tonnage to be the registered Tonnage in the Case of Sailing Ships, and in the Case of Steam Ships the Gross Tonnage without Deduction on account of Engine Room:

In the Case of any Foreign Ship which has been or can be measured according to *British* Law, the Tonnage as ascertained by such Measurement shall, for the Purposes of this ection, be deemed to be the Tonnage of such Ship:

In the Case of any Foreign Ship which has not been and cannot be measured under *British* Law, the Surveyor General of Tonnage in the United Kingdom, and the Chief Measuring Officer in any *British* Possession abroad, shall, on receiving from or by Direction of the Court hearing the Case such Evidence concerning the Dimensions of the Ship as it may be found practicable to furnish, give a Certificate under his Hand, stating what would in his Opinion have been the Tonnage of such Ship if she had been duly measured according to *British* Law, and the Tonnage so stated in such Certificate shall, for the Purposes of this Section, be deemed to be the Tonnage of such Ship.

Limitation of Invalidity of Insurances.

LV. Insurances effected against any or all of the Events enumerated in the Section last preceding, and occurring without such actual Fault or Privity as therein mentioned, shall not be invalid by reason of the Nature of the Risk.

Proof of Passengers on board lost Ship.

LVI. In any Proceeding under the 506th Section of the Principal Act or any Act amending the same against the Owner

Owner of any Ship or Share therein in respect of Loss of Life, the Master's List or the duplicate List of Passengers delivered to the proper Officer of Customs under the 16th Section of "The Passengers Act, 1855," shall, in the Absence of Proof to the contrary, be sufficient Proof that the Persons in respect of whose Death any such Prosecution or Proceeding is instituted were Passengers on board such Ship at the Time of their Deaths.

Arrangements concerning Lights, Sailing Rules, Salvage, and Measurement of Tonnage in the Case of Foreign Ships.

Foreign Ships in British Jurisdiction to be subject to Regulations in Table (C.) in Schedule.

LVII. Whenever Foreign Ships are within *British* Jurisdiction, the Regulations for preventing Collision contained in Table (C.) in the Schedule to this Act, or such other Regulations for preventing Collision as are for the Time being in force under this Act, and all Provisions of this Act relating to such Regulations, or otherwise relating to Collisions, shall apply to such Foreign Ships; and in any Cases arising in any *British* Court of Justice concerning Matters happening within *British* Jurisdiction, Foreign Ships shall, so far as regards such Regulations and Provisions, be treated as if they were *British* Ships.

Regulations, when adopted by a Foreign Country, may be applied to its Ships on the High Seas.

LVIII. Whenever it is made to appear to Her Majesty that the Government of any Foreign Country is willing that the Regulations, for preventing Collision contained in Table (C.) in the Schedule to this Act, or such other Regulations for preventing Collision as are for the Time being in force under this Act, or any of the said Regulations, or any Provisions of this Act relating to Collisions, should apply to the Ships of such Country when beyond the Limits of *British* Jurisdiction, Her Majesty may, by Order in Council, direct that such Regulations, and all Provisions of this Act which relate to such Regulations, and all such other Provisions as aforesaid, shall apply to the Ships of the said Foreign Country, whether within *British* Jurisdiction or not.

Provisions concerning Salvage of Life may, with the Consent of any Foreign Country, be applied to its Ships on the High Seas.

LIX. Whenever it is made to appear to Her Majesty that the Government of any Foreign Country is willing that Salvage shall be awarded by *British* Courts for Services rendered in saving Life from any Ship belonging to such Country when such Ship is beyond the Limits of *British* Jurisdiction, Her Majesty may, by Order in Council, direct that the Provisions of the Principal Act and of this Act, with respect to Salvage for Services rendered in saving Life from *British* Ships, shall in all *British* Courts be held to apply to Services rendered in saving Life from the Ships of such Foreign

Foreign Country, whether such Services are rendered within *British* Jurisdiction or not.

Ships of Foreign Countries adopting the Rule for Measurement of Tonnage need not be re-measured in this Country.

LX. Whenever it is made to appear to Her Majesty that the Rules concerning the Measurement of Tonnage of Merchant Ships for the Time being in force under the Principal Act have been adopted by the Government of any Foreign Country, and are in force in that Country, it shall be lawful for Her Majesty by Order in Council to direct that the Ships of such Foreign Country shall be deemed to be of the Tonnage denoted in their Certificates of Registry or other National Papers; and thereupon it shall no longer be necessary for such Ships to be re-measured in any Port or Place in Her Majesty's Dominions, but such Ships shall be deemed to be of the Tonnage denoted in their Certificates of Registry or other Papers, in the same Manner, to the same Extent, and for the same Purposes in, to, and for which the Tonnage denoted in the Certificates of Registry of *British* Ships is deemed to be the Tonnage of such Ships.

Effect of Order in Council.

LXI. Whenever an Order in Council has been issued under this Act, applying any Provision of this Act or any Regulation made by or in pursuance of this Act to the Ships of any Foreign Country, such Ships shall in all Cases arising in any *British* Court be deemed to be subject to such Provision or Regulation, and shall for the Purpose of such Provision or Regulation be treated as if they were *British* Ships.

Orders in Council may be limited as to Time, and qualified.

LXII. In issuing any Order in Council under this Act Her Majesty may limit the Time during which it is to remain in operation, and may make the same subject to such Conditions and Qualifications, if any, as may be deemed expedient, and thereupon the Operation of the said Order shall be limited and modified accordingly.

Orders in Council may be revoked and altered.

LXIII. Her Majesty may by Order in Council from Time to Time revoke or alter any Order previously made under this Act.

Orders in Council to be published in London Gazette.

LXIV. Every Order in Council to be made under this Act shall be published in the *London Gazette* as soon as may be after the making thereof; and the Production of a Copy of the *London Gazette* containing such Order shall be received in Evidence, and shall be proof that the Order therein published has been duly made and issued; and it shall not be necessary to plead such Order specially.

Legal Procedure.

20 & 21 Vict. c. 43. s. 3. not to

LXV. Nothing in the Third Section of the Act passed in the Twentieth and Twenty-first Years of the Reign of Her present

present Majesty, Chapter Forty-three, except so much thereof as provides for the Payment of any Fees that may be due to the Clerk of the Justices, shall be deemed to apply to extend to any Proceeding under the Direction of the Board of Trade, or under or by virtue of the Provisions of the Principal Act or this Act, or any Act amending the same. apply to Proceedings under Board of Trade or this Act, &c.

Delivery of Goods and Lien for Freight.

LXVI. The following Terms used in the Sections of this Act hereinafter contained shall have the respective Meanings hereby assigned to them, if not inconsistent with the Context or Subject Matter; that is to say, Interpretation of Terms.

The Word "Report" shall mean the Report required by the Customs Laws to be made by the Master of any importing Ship: "Report."

The Word "Entry" shall mean the Entry required by the Customs Laws to be made for the Landing or Discharge of Goods from an importing Ship: "Entry."

The Word "Goods" shall include every Description of Wares and Merchandise: "Goods."

The Word "Wharf" shall include all Wharves, Quays, Docks, and Premises in or upon which any Goods when landed from Ships may be lawfully placed: "Wharf."

The Word "Warehouse" shall include all Warehouses, Buildings, and Premises in which Goods when landed from Ships may be lawfully placed: "Warehouse."

The Expression "Wharf Owner" shall mean the Occupier of any Wharf, as herein-before defined: "Wharf Owner."

The Expression "Warehouse Owner" shall mean the Occupier of any Warehouse, as herein-before defined: "Warehouse Owner."

The Word "Shipowner" shall include the Master of the Ship and every other Person authorized to act as Agent for the Owner, or entitled to receive the Freight, Demurrage, or other Charges payable in respect of such Ship: "Shipowner."

The Expression "Owner of Goods" shall include every Person who is for the Time being entitled, either as Owner or Agent for the Owner, to the Possession of the Goods, subject in the Case of a Lien, if any, to such Lien. "Owner of Goods."

LXVII. Where the Owner of any Goods imported in any Ship from Foreign Parts into the United Kingdom fails to make Entry thereof, or having made Entry thereof to land the same or take Delivery thereof and to proceed therewith with all convenient Speed, by the Times severally herein-after mentioned, the Shipowner may make Entry of and land or unship Power to Shipowner to enter and land Goods in default of Entry and landing by

Owner of Goods.

unship the said Goods at the Times, in the Manner, and subject to the Conditions following; (that is to say,)

(1.) If a Time for the Delivery of the Goods is expressed in the Charter Party, Bill of Lading, or Agreement, then at any Time after the Time so expressed:

(2.) If no Time for the Delivery of the Goods is expressed in the Charter Party, Bill of Lading, or Agreement, then at any Time after the Expiration of Seventy-two Hours, exclusive of a *Sunday* or Holiday, after the Report of the Ship:

(3.) If any Wharf or Warehouse is named in the Charter Party, Bill of Lading, or Agreement, as the Wharf or Warehouse where the Goods are to be placed, and if they can be conveniently there received, the Shipowner in landing them by virtue of this Enactment shall cause them to be placed on such Wharf or in such Warehouse:

(4.) In other Cases the Shipowner in landing Goods by virtue of this Enactment shall place them in or on some Wharf or Warehouse on or in which Goods of a like Nature are usually placed; such Wharf or Warehouse being, if the Goods are dutiable, a Wharf or Warehouse duly approved by the Commissioners of Customs for the landing of dutiable Goods:

(5.) If at any Time before the Goods are landed or unshipped the Owner of the Goods is ready and offers to land or take Delivery of the same, he shall be allowed so to do, and his Entry shall in such Case be preferred to any Entry which may have been made by the Shipowner:

(6.) If any Goods are, for the Purpose of Convenience in assorting the same, landed at the Wharf where the Ship is discharged, and the Owner of the Goods at the Time of such landing has made Entry and is ready and offers to take Delivery thereof, and to convey the same to some other Wharf or Warehouse, such Goods shall be assorted at landing, and shall, if demanded, be delivered to the Owner thereof within Twenty-four Hours after Assortment; and the Expense of and consequent on such landing and Assortment shall be borne by the Shipowner:

(7.) If at any Time before the Goods are landed or unshipped the Owner thereof has made Entry for the landing and warehousing thereof at any particular Wharf or Warehouse other than that at which the Ship is discharging, and has offered and been ready to

to take Delivery thereof, and the Shipowner has failed to make such Delivery and has also failed at the Time of such Offer to give the Owner of the Goods correct Information of the Time at which such Goods can be delivered, then the Shipowner shall, before landing or unshipping such Goods under the Power hereby given to him, give to the Owner of the Goods or of such Wharf or Warehouse as last aforesaid Twenty-four Hours Notice in Writing of his Readiness to deliver the Goods, and shall, if he lands or unships the same without such Notice, do so at his own Risk and Expense.

If, when Goods are landed, the Shipowner give Notice for that Purpose, the Lien for Freight is to continue.

LXVIII. If, at the Time when any Goods are landed from any Ship, and placed in the Custody of any Person as a Wharf or Warehouse Owner, the Shipowner gives to the Wharf or Warehouse Owner Notice in Writing that the Goods are to remain subject to a Lien for Freight or other Charges payable to the Shipowner to an Amount to be mentioned in such Notice, the Goods so landed shall, in the Hands of the Wharf or Warehouse Owner, continue liable to the same Lien, if any, for such Charges as they were subject to before the landing thereof; and the Wharf or Warehouse Owner receiving such Goods shall retain them until the Lien is discharged as herein-after mentioned, and shall, if he fail so to do, make good to the Shipowner any Loss thereby occasioned to him.

Lien to be discharged on Proof of Payment.

LXIX. Upon the Production to the Wharf or Warehouse Owner of a Receipt for the Amount claimed as due, and Delivery to the Wharf or Warehouse Owner of a Copy thereof or of a Release of Freight from the Shipowner the said Lien shall be discharged.

Lien to be discharged on Deposit with Warehouse Owner.

LXX. The Owner of the Goods may deposit with the Wharf or Warehouse Owner a Sum of Money equal in Amount to the Sum so claimed as aforesaid by the Shipowner, and thereupon the Lien shall be discharged; but without Prejudice to any other Remedy which the Shipowner may have for the Recovery of the Freight.

Warehouse Owner may at the End of 15 Days, if no Notice is given, pay Deposit to Shipowner.

LXXI. If such Deposit as aforesaid is made with the Wharf or Warehouse Owner, and the Person making the same does not within Fifteen Days after making it give to the Wharf or Warehouse Owner Notice in Writing to retain it, stating in such Notice the Sum, if any, which he admits to be payable to the Shipowner, or, as the Case may be, that he does not admit any Sum to be so payable, the Wharf or Warehouse Owner may, at the Expiration of such Fifteen Days, pay the Sum so deposited over to the Shipowner, and shall

shall by such Payment be discharged from all Liability in respect thereof.

Course to be taken if Notice to retain is given.

LXXII. If such Deposit as aforesaid is made with the Wharf or Warehouse Owner, and the Person making the same does within Fifteen Days after making it give to the Wharf or Warehouse Owner such Notice in Writing as aforesaid, the Wharf or Warehouse Owner shall immediately apprize the Shipowner of such Notice, and shall pay or tender to him out of the Sum deposited the Sum, if any, admitted by such Notice to be payable, and shall retain the Remainder or Balance, or, if no Sum is admitted to be payable, the whole of the Sum deposited, for Thirty Days from the Date of the said Notice; and at the Expiration of such Thirty Days, unless legal Proceedings have in the meantime been instituted by the Shipowner against the Owner of the Goods to recover the said Balance or Sum or otherwise for the Settlement of any Disputes which may have arisen between them concerning such Freight or other Charges as aforesaid, and Notice in Writing of such Proceedings has been served on him, the Wharf or Warehouse Owner shall pay the said Balance or Sum over to the Owner of the Goods, and shall by such Payment be discharged from all Liability in respect thereof.

After 90 Days Warehouse Owner may sell Goods by Public Auction.

LXXIII. If the Lien is not discharged, and no Deposit is made as herein-before mentioned, the Wharf or Warehouse Owner may, and, if required by the Shipowner, shall, at the Expiration of Ninety Days from the Time when the Goods were placed in his Custody, or, if the Goods are of a perishable Nature, at such earlier Period as he in his Discretion thinks fit, sell by Public Auction, either for Home Use or Exportation, the said Goods or so much thereof as may be necessary to satisfy the Charges herein-after mentioned.

Notices of Sale to be given.

LXXIV. Before making such Sale the Wharf or Warehouse Owner shall give Notice thereof by Advertisement in Two Newspapers circulating in the Neighbourhood, or in One Daily Newspaper published in *London* and in One local Newspaper, and also, if the Address of the Owner of the Goods has been stated on the Manifest of the Cargo, or on any of the Documents which have come into the Possession of the Wharf or Warehouse Owner, or is otherwise known to him, give Notice of the Sale to the Owner of the Goods by Letter sent by the Post; but the Title of a *bonâ fide* Purchaser of such Goods shall not be invalidated by reason of the Omission to send Notice as herein-before mentioned, nor shall any such Purchaser be bound to inquire whether such Notice has been sent.

LXXV. In

LXXV. In every Case of any such Sale as aforesaid the Wharf or Warehouse Owner shall apply the Monies received from the Sale as follows, and in the following Order: Monies arising from Sale, how to be applied.

1. If the Goods are sold for Home Use in Payment of any Customs or Excise Duties owing in respect thereof:
2. In Payment of the Expenses of the Sale:
3. In the Absence of any Agreement between the Wharf or Warehouse Owner and the Shipowner concerning the Priority of their respective Charges, in Payment of the Rent, Rates, and other Charges due to the Wharf or Warehouse Owner in respect of the said Goods:
4. In Payment of the Amount claimed by the Shipowner as due for Freight or other Charges in respect of the said Goods:
5. But in case of any Agreement between the Wharf or Warehouse Owner and the Shipowner concerning the Priority of their respective Charges, then such Charges shall have Priority according to the Terms of such Agreement:

and the Surplus, if any, shall be paid to the Owner of the Goods.

LXXVI. Whenever Goods are placed in the Custody of a Wharf or Warehouse Owner under the Authority of this Act, the said Wharf or Warehouse Owner shall be entitled to Rent in respect of the same, and shall also have Power from Time to Time, at the Expense of the Owner of the Goods, to do all such reasonable Acts as in the Judgment of the said Wharf or Warehouse Owner are necessary for the proper Custody and Preservation of the said Goods, and shall have a Lien on the said Goods for the said Rent and Expenses. Warehouse Owners Rent and Expenses.

LXXVII. Nothing in this Act contained shall compel any Wharf or Warehouse Owner to take charge of any Goods which he would not be liable to take charge of if this Act had not passed; nor shall he be bound to see to the Validity of any Lien claimed by any Shipowner under this Act. Warehouse Owners Protection.

LXXVIII. Nothing in this Act contained shall take away or abridge any Powers given by any Local Act to any Harbour Trust, Body Corporate, or Persons whereby they are enabled to expedite the Discharge of Ships or the Landing or Delivery of Goods; nor shall anything in this Act contained take away or diminish any Rights or Remedies given to any Shipowner or Wharf or Warehouse Owner by any Local Act. Saving Powers under Local Acts.

The

The SCHEDULE referred to in this Act.

TABLE (A.) See Sect. 2.

Enactments to be repealed.

Reference to Act.	Title of Act.	Extent of Repeal.
8 & 9 Vict. c. 91.	An Act for the Warehousing of Goods.	Section 51 to be repealed immediately on the passing of this Act.
16 & 17 Vict. c. 107. - -	Customs Consolidation Act, 1853.	The last Proviso in Section 74, and Sections 170, 171, and 172, to be repealed immediately on the passing of this Act.
17 & 18 Vict. c. 104. - -	Merchant Shipping Act, 1854.	Sections 295, 296, 297, 298, 299, to be repealed from the Date at which the Regulations contained in Table C. in this Schedule come into operation. Sections 300, 322, 323, 504, and 505 to be repealed immediately on the passing of this Act.
19 & 20 Vict. c. 75.	An Act for the further Alteration & Amendment of the Laws and Duties of Customs.	Section 8 to be repealed immediately on the passing of this Act.

TABLE (B.) See Sect. 6.

Fees to be charged on Examination of Engineers.

For a First-class Engineers Certificate -	£2	0	0
For a Second-class Engineers Certificate -	1	0	0

TABLE

TABLE (C.) See Sect. 25.

Regulations for preventing Collisions at Sea.

Contents.

Article 1. Preliminary.

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5. Lights for Sailing Ships.
6. Exceptional Lights for small Sailing Vessels.
7. Lights for Ships at Anchor.
8. Lights for Pilot Vessels.
9. Lights for Fishing Vessels and Boats.

Rules concerning Fog Signals.

10. Fog Signals.

Steering and Sailing Rules.

11. Two Sailing Ships meeting.
12. Two Sailing Ships crossing.
13. Two Ships under Steam meeting.
14. Two Ships under Steam crossing.
15. Sailing Ship and Ship under Steam.
16. Ships under Steam to slacken Speed.
17. Vessels overtaking other Vessels.
18. Construction of Articles 12, 14, 15, and 17.
19. Proviso to save special Cases.
20. No Ship under any Circumstances to neglect proper Precautions.

Preliminary.

Art. 1. In the following Rules every Steam Ship which is under Sail and not under Steam is to be considered a Sailing Ship ; and every Steam Ship which is under Steam, whether under Sail or not, is to be considered a Ship under Steam.

Rules concerning Lights.

Art. 2. The Lights mentioned in the following Articles, and no others, shall be carried in all Weathers between Sunset and Sunrise.

Art. 3.

Art. 3. Seagoing Steam Ships when under weigh shall carry:

(*a.*) *At the Foremast Head,* a bright White Light so fixed as to show an uniform and unbroken Light over an Arc of the Horizon of 20 Points of the Compass, so fixed as to throw the Light 10 Points on each Side of the Ship, viz., from right ahead to 2 Points abaft the Beam on either Side, and of such a Character as to be visible on a dark Night with a clear Atmosphere at a Distance of at least Five Miles:

(*b.*) *On the Starboard Side,* a Green Light so constructed as to throw an uniform and unbroken Light over an Arc of the Horizon of 10 Points of the Compass, so fixed as to throw the Light from right ahead to 2 Points abaft the Beam on the Starboard Side, and of such a Character as to be visible on a dark Night with a clear Atmosphere at a Distance of at least Two Miles:

(*c.*) *On the Port Side,* a Red Light, so constructed as to show an uniform unbroken Light over an Arc of the Horizon of 10 Points of the Compass, so fixed as to throw the Light from right ahead to 2 Points abaft the Beam on the Port Side, and of such a Character as to be visible on a dark Night with a clear Atmosphere at a Distance of at least Two Miles:

(*d.*) The said Green and Red Side Lights shall be fitted with inboard Screens projecting at least Three Feet forward from the Light, so as to prevent these Lights from being seen across the Bow.

Art. 4. Steam Ships when towing other Ships shall carry Two bright White Mast-head Lights vertically, in addition to their Side Lights, so as to distinguish them from other Steam Ships. Each of these Mast-head Lights shall be of the same Construction and Character as the Mast-head Lights which other Steam Ships are required to carry.

Art. 5. Sailing Ships under weigh or being towed shall carry the same Lights as Steam Ships under weigh, with the Exception of the White Mast-head Lights, which they shall never carry.

Art. 6. Whenever, as in the Case of Small Vessels during bad Weather, the Green and Red Lights cannot be fixed, these Lights shall be kept on Deck on their respective Sides of the Vessel ready for instant Exhibition, and shall, on the Approach of or to other Vessels, be exhibited on their respective Sides in sufficient Time to prevent Collision, in such Manner as to make them most visible, and so that the Green Light shall not be seen on the Port Side, nor the Red Light on the Starboard Side.

To make the Use of these portable Lights more certain and easy,

easy, they shall be painted Outside with the Colour of the Light they respectively contain, and shall be provided with suitable Screens.

Art. 7. Ships, whether Steam Ships or Sailing Ships, when at Anchor in Roadsteads or Fairways, shall between Sunrise and Sunset exhibit, where it can best be seen, but at a Height not exceeding Twenty Feet above the Hull, a White Light in a globular Lantern of Eight Inches in Diameter, and so constructed as to show a clear uniform and unbroken Light visible all round the Horizon, and at a Distance of at least One Mile.

Art. 8. Sailing Pilot Vessels shall not carry the Lights required for other Sailing Vessels, but shall carry a White Light at the Mast Head visible all round the Horizon,—and shall also exhibit a Flare-up Light every Fifteen Minutes.

Art. 9. Open Fishing Boats and other open Boats shall not be required to carry Side Lights required for other Vessels; but shall, if they do not carry such Lights, carry a Lantern having a Green Slide on the one Side and a Red Slide on the other Side; and on the Approach of or to other Vessels such Lantern shall be exhibited in sufficient Time to prevent Collision, so that the Green Light shall not be seen on the Port Side nor the Red Light on the Starboard Side.

Fishing Vessels and open Boats when at Anchor or attached to their Nets and stationary shall exhibit a bright White Light.

Fishing Vessels and open Boats shall, however, not be prevented from using a Flare-up in addition if considered expedient.

Rules concerning Fog Signals.

Art 10. Whenever there is Fog, whether by Day or Night, the Fog Signals described below shall be carried and used, and shall be sounded at least every Five Minutes; viz.—

(*a.*) Steam Ships under weigh shall use a Steam Whistle placed before the Funnel not less than Eight Feet from the Deck.

(*b.*) Sailing Ships under weigh shall use a Fog Horn.

(*c.*) Steam Ships and Sailing Ships when not under weigh shall use a Bell.

Steering and Sailing Rules.

Art. 11. If Two Sailing Ships are meeting End on, or nearly End on, so as to involve Risk of Collision, the Helms of both shall be put to Port, so that each may pass on the Port Side of the other.

Art. 12.

Art. 12. When Two Sailing Ships are crossing so as to involve Risk of Collision, then if they have the Wind on different Sides, the Ship with the Wind on the Port Side shall keep out of the Way of the Ship with the Wind on the Starboard Side, except in the Case in which the Ship with the Wind on the Port Side is close hauled and the other Ship free, in which Case the latter Ship shall keep out of the Way; but if they have the Wind on the same Side, or if One of them has the Wind aft, the Ship which is to windward shall keep out of the Way of the Ship which is to leeward.

Art. 13. If Two Ships under Steam are meeting End on, or nearly End on, so as to involve Risk of Collision, the Helms of both shall be put to Port so that each may pass on the Port Side of the other.

Art. 14. If Two Ships under Steam are crossing so as to involve Risk of Collision, the Ship which has the other on her own Starboard Side shall keep out of the Way of the other.

Art. 15. If Two Ships, one of which is a Sailing Ship and the other a Steam Ship, are proceeding in such Directions as to involve Risk of Collision, the Steam Ship shall keep out of the Way of the Sailing Ship.

Art. 16. Every Steam Ship when approaching another Ship so as to involve Risk of Collision, shall slacken her Speed, or, if necessary, stop and reverse; and every Steam Ship shall, when in a Fog, go at a moderate Speed.

Art. 17. Every Vessel overtaking any other Vessel shall keep out of the way of the said last-mentioned Vessel.

Art. 18. Where by the above Rules One of Two Ships is to keep out of the Way, the other shall keep her Course, subject to the Qualifications contained in the following Article.

Art. 19. In obeying and construing these Rules due regard must be had to all Dangers of Navigation; and due regard must also be had to any special Circumstances which may exist in any particular Case rendering a Departure from the above Rules necessary in order to avoid immediate Danger.

Art. 20. Nothing in these Rules shall exonerate any Ship or the Owner or Master or Crew thereof from the Consequences of any Neglect to carry Lights or Signals, or of any Neglect to keep a proper Look-out, or of the Neglect of any Precaution which may be required by the ordinary Practice of Seamen or by the special Circumstances of the Case.

CAP. LXIV.

An Act for the better Protection of Her Majesty's Naval and Victualling Stores.—[29*th* July 1862.]

§ II. This Act shall not extend to *Scotland* or *Ireland.*

CAP. LXV.

An Act for the more speedy Trial of certain Homicides committed by Persons subject to the Mutiny Act.—[29*th* July 1862.] (England and Ireland.)

CAP. LXVI.

An Act for the Safe-keeping of Petroleum.—[29*th* July 1862.]

WHEREAS it is expedient to provide for the Safe-keeping of Petroleum and certain Products thereof that are dangerous to Life and Property, from their Properties of giving off inflammable Vapours at low Temperatures: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Definitions: "Petroleum:"

I. "Petroleum," for the Purposes of this Act, shall include any Product thereof that gives off an inflammable Vapour at a Temperature of less than One hundred Degrees of *Fahrenheit's* Thermometer:

"Borough:"

"Borough" shall in *England* mean any Place for the Time being subject to the Provisions of the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Seventy-six, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales; and in *Scotland* any Royal Burgh and any of the Burghs or Towns returning or contributing to return Members to Parliament; and in *Ireland* any Place for the Time being subject to the Provisions of the Act of the Session holden in the Third and Fourth Years of Her Majesty, Chapter One hundred and eight, intituled *An Act for the Regulation of Municipal Corporations in* Ireland:

"Harbour:" "Harbour" shall include any Port, Dock, navigable River, Pier, or other Works in or at which Vessels ship or discharge Goods or Passengers:

"Harbour Authority." "Harbour Authority" shall include all Persons or Bodies of Persons, corporate or unincorporate, being Proprietors of or entrusted with the Duty of improving, maintaining, or managing any Harbour.

Regulations to be observed by a Ship carrying Petroleum.

II. Every Vessel carrying a Cargo consisting wholly or in part of Petroleum on entering any Harbour within the United Kingdom shall conform to such Regulations in respect to the Place at which she is to be moored as may from Time to Time be issued by the Harbour Authority having Jurisdiction over such Harbour. If any Vessel is moored in any Place in contravention of such Regulations, the Owner or Master of such Vessel shall incur a Penalty not exceeding Twenty Pounds for each Day during which the Vessel remains moored, and it shall be lawful for the Harbour Master, or any other Person acting under the Orders of the Harbour Authority, to cause such Vessel to be removed, at the Expense of the Owner thereof, to such Place as may be in conformity with the said Regulations, and all Expenses incurred in such Removal may be recovered in the same Manner in which Penalties are hereby made recoverable.

Regulations to be observed in storing Petroleum.

III. From and after the First Day of *October* One thousand eight hundred and sixty-two not more than Forty Gallons of Petroleum shall be kept within Fifty Yards of a Dwelling House or of a Building in which Goods are stored, except in pursuance of a Licence given by such Local Authority as is herein-after mentioned.

Any Petroleum kept in contravention of this Section shall be forfeited, and, in addition thereto, the Occupier of the Place in which such Petroleum is kept shall incur a Penalty not exceeding Twenty Pounds a Day for each Day during which Petroleum is kept in contravention of this Act.

Definition of Local Authority.

IV. The following Bodies shall respectively be the Local Authority to grant Licences under this Act in the Districts herein-after mentioned; (that is to say,)

1. In the City of *London*, except as herein-after mentioned, the Court of Lord Mayor and Aldermen of the said City:
2. In the Metropolis, as defined by the Act of the Session of the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter One hundred and twenty, except the City of *London*, and except as herein-after mentioned, the Metropolitan Board of Works:
3. In any Borough in *England* or *Ireland*, except as herein-after

after mentioned, the Mayor, Aldermen, and Burgesses, by the Council:

4. In any place in *England* or *Ireland*, except as herein-after mentioned, within the Jurisdiction of any Trustees or Improvement Commissioners, appointed under the Provisions of any Local or General Act of Parliament, the Trustees or Commissioners:
5. In any Burgh or Place in *Scotland*, except as herein-after mentioned, within the Jurisdiction of any Town Council, and not subject to the Jurisdiction of Police Commissioners or Trustees, the Town Council; but in any Burgh or Place in *Scotland*, except as herein-after mentioned, within the Jurisdiction of Police Commissioners or Trustees exercising the Functions of Police Commissioners under any General or Local Act, the Police Commissioners or Trustees:
6. In any Harbour within the Jurisdiction of a Harbour Authority, whether situate or not within the Jurisdiction of any Local Authority herein-before mentioned, the Harbour Authority, to the Exclusion of any other Local Authority:
7. In any Place in *England* or *Ireland* in which there is no Local Authority as herein-before defined, the Justices in Petty Sessions assembled, and in *Scotland* any Two Justices of the Peace for the County.

Mode of granting Licences.

V. Licences in pursuance of this Act shall be valid if signed by Two or more of the Persons constituting the Local Authority, or executed in any other Way in which other Licences, if any, granted by such Authority are executed; they may be granted for a limited Time, and there may be annexed thereto any Conditions as to Renewal or otherwise which the Local Authority thinks necessary for diminishing the Risk of Damage from Explosion or Fire; and any Licensee violating any of the Conditions of his Licence shall be deemed to be an unlicensed Person.

In case of Refusal of Licence, the Applicant may memorialize Secretary of State.

VI. If, on any Application for a Licence under this Act, the Local Authority refuses the Licence, or grants the same only on Conditions with which the Applicant is dissatisfied, the Local Authority shall, if required by the Applicant, certify in Writing under the Hand or Hands of One or more of the Persons constituting the Local Authority the Grounds on which it refused the Licence or annexed Conditions to the Grant thereof, and shall deliver the Certificate to the Applicant, who may thereupon, within Ten Days from the Time of the Delivery thereof, transmit the same to One of Her Majesty's Principal Secretaries of State, if the Application is for a

a Licence in *England* or *Scotland*, and to the Lord Lieutenant or other Chief Governor if the Application is for a Licence in *Ireland*, together with a Memorial, praying that, notwithstanding such Refusal, the Licence may be granted, or that such Conditions may not be imposed, or may be altered or modified in such Manner and to such Extent as may be set forth in such Memorial; and it shall be lawful for the Secretary of State, Lord Lieutenant, or other Chief Governor, if he think fit, on consideration of such Memorial and Certificate, and if he think it necessary or desirable, after due Inquiry from and a Report by such Person as he may appoint for that Purpose, to grant the Licence prayed for, either absolutely, or with such Conditions as he thinks fit, or to alter or modify the Conditions imposed by the Local Authority; and the Licence so granted, or altered and modified, as the Case may be, when certified under the Hand of the said Secretary of State, Lord Lieutenant, or other Chief Governor, shall be to all Intents as valid as if granted by the Local Authority.

Forfeitures and Penalties in England and Ireland.

VII. Any Forfeiture or Penalty for an Offence against this Act may be enforced in *England* and *Ireland* upon summary Conviction before any Two Justices; and one Moiety of the Forfeiture and Penalty shall belong to Her Majesty, and the other Moiety to the Informer, unless the Informer is a Servant of the Person informed against, in which Case the Moiety of the Forfeiture or Penalty which would otherwise belong to the Informer shall be applied in such Manner and to such other Purposes as the Justices in their or his Discretion may think fit.

Recovery of Forfeitures and Penalties in Scotland.

VIII. Any Forfeiture or Penalty for an Offence against this Act may be enforced in *Scotland* upon summary Conviction, at the Instance of the Procurator Fiscal, before any Sheriff, or before any Two Justices of the County, or before the Magistrates or any Police Magistrate of the Burgh in which the Offence was committed, who may sentence the Offender to Imprisonment, until such Forfeiture or Penalty and the Expenses of Conviction are paid, for a Period not exceeding Three Months; and one Moiety of such Forfeiture or Penalty shall belong to Her Majesty, and the other Moiety shall be applied in such Manner and to such Purposes as such Sheriff, Justices, Magistrates, or Magistrate in their or his Discretion may think fit.

Search for Petroleum.

IX. Petroleum may be searched for in the same Manner, under the same Warrants, and subject to the same Conditions in, under, and subject to which Gunpowder may be searched for, in pursuance of the Act passed in the Session holden in the Twenty-third and Twenty-fourth Years of the Reign of Her

Her present Majesty, Chapter One hundred and thirty-nine; and all the Provisions of the said Act relating to searching for Gunpowder shall be incorporated with this Act, and be construed as if the word "Gunpowder" in such Provisions included Petroleum as defined by this Act, and as if the Act therein referred to were this Act.

Reservation of previous Powers with respect to inflammable Substances.

X. All Powers given by this Act shall be deemed to be in addition to and not in derogation of any other Powers conferred on any Local Authority by Act of Parliament, Law, or Custom, and the Local Authority may exercise such other Powers in the same manner as if this Act had not passed; and nothing in this Act contained shall be deemed to exempt any Person from any Penalty to which he would otherwise be subject in respect of a Nuisance.

CAP. LXVII.

An Act for obtaining a Declaration of Title.—[29*th* July 1862.]

§ XLIX. This Act shall relate to *England* only.

CAP. LXVIII.

An Act for amending the Law relating to Copyright in Works of the Fine Arts, and for repressing the Commission of Fraud in the Production and Sale of such Works.—[29*th* July 1862.]

WHEREAS by Law, as now established, the Authors of Paintings, Drawings, and Photographs have no Copyright in such their Works, and it is expedient that the Law should in that respect be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Copyright in Works hereafter made or sold to vest in the Author for his Life of

I. The Author, being a *British* Subject or resident within the Dominions of the Crown, of every original Painting, Drawing, and Photograph which shall be or shall have been made either in the *British* Dominions or elsewhere, and which shall not have been sold or disposed of before the Commencement

and for Seven Years after his Death.

of this Act, and his Assigns, shall have the sole and exclusive Right of copying, engraving, reproducing, and multiplying such Painting or Drawing, and the Design thereof, or such Photograph, and the Negative thereof, by any Means and of any Size, for the Term of the natural Life of such Author, and Seven Years after his Death; provided that when any Painting or Drawing, or the Negative of any Photograph, shall for the First Time after the passing of this Act be sold or disposed of, or shall be made or executed for or on Behalf of any other Person for a good or a valuable Consideration, the Person so selling or disposing of or making or executing the same shall not retain the Copyright thereof, unless it be expressly reserved to him by Agreement in Writing, signed, at or before the Time of such Sale or Disposition, by the Vendee or Assignee of such Painting or Drawing, or of such Negative of a Photograph, or by the Person for or on whose Behalf the same shall be so made or executed, but the Copyright shall belong to the Vendee or Assignee of such Painting or Drawing, or of such Negative of a Photograph, or to the Person for or on whose Behalf the same shall have been made or executed; nor shall the Vendee or Assignee thereof be entitled to any such Copyright, unless, at or before the Time of such Sale or Disposition, an Agreement in Writing, signed by the Person so selling or disposing of the same, or by his Agent duly authorized, shall have been made to that Effect.

Copyright not to prevent the Representation of the same Subjects in other Works.

II. Nothing herein contained shall prejudice the Right of any Person to copy or use any Work in which there shall be no Copyright, or to represent any Scene or Object, notwithstanding that there may be Copyright in some Representation of such Scene or Object.

Assignments, Licences, &c. to be in Writing.

III. All Copyright under this Act shall be deemed Personal or Moveable Estate, and shall be assignable at Law, and every Assignment thereof, and every Licence to use or copy by any Means or Process the Design or Work which shall be the Subject of such Copyright, shall be made by some Note or Memorandum in Writing, to be signed by the Proprietor of the Copyright, or by his Agent appointed for that Purpose in Writing.

Register of Proprietors of Copyright in Paintings, Drawings, and Photographs to be kept at Stationers

IV. There shall be kept at the Hall of the Stationers Company, by the Officer appointed by the said Company for the Purposes of the Act passed in the Sixth Year of Her present Majesty, intituled *An Act to amend the Law of Copyright*, a Book or Books, entitled "The Register of Proprietors of Copyright in Paintings, Drawings, and Photographs," wherein shall be entered a Memorandum of every Copyright to which any Person shall be entitled under this Act, and also of every subsequent

subsequent Assignment of any such Copyright; and such Memorandum shall contain a Statement of the Date of such Agreement or Assignment, and of the Names of the Parties thereto, and of the Name and Place of Abode of the Person in whom such Copyright shall be vested by virtue thereof, and of the Name and Place of Abode of the Author of the Work in which there shall be such Copyright, together with a short Description of the Nature and Subject of such Work, and in addition thereto, if the Person registering shall so desire, a Sketch, Outline, or Photograph of the said Work, and no Proprietor of any such Copyright shall be entitled to the Benefit of this Act until such Registration, and no Action shall be sustainable nor any Penalty be recoverable in respect of anything done before Registration. Hall as in 5 & 6 Vict. c. 45.

V. The several Enactments in the said Act of the Sixth Year of Her present Majesty contained, with relation to keeping the Register Book thereby required, and the Inspection thereof, the Searches therein, and the Delivery of certified and stamped Copies thereof, the Reception of such Copies in Evidence, the making of false Entries in the said Book, and the Production in Evidence of Papers falsely purporting to be Copies of Entries in the said Book, the Application to the Courts and Judges by Persons aggrieved by Entries in the said Book, and the expunging and varying such Entries, shall apply to the Book or Books to be kept by virtue of this Act, and to the Entries and Assignments of Copyright and Proprietorship therein under this Act, in such and the same Manner as if such Enactments were here expressly enacted in relation thereto, save and except that the Forms of Entry prescribed by the said Act of the Sixth Year of Her present Majesty may be varied to meet the Circumstances of the Case, and that the Sum to be demanded by the Officer of the said Company of Stationers for making any Entry required by this Act shall be One Shilling only. Certain Enactments of 5 & 6 Vict. c. 45. to apply to the Books to be kept under this Act.

VI. If the Author of any Painting, Drawing, or Photograph in which there shall be subsisting Copyright, after having sold or disposed of such Copyright, or if any other Person, not being the Proprietor for the Time being of Copyright in any Painting, Drawing, or Photograph, shall, without the Consent of such Proprietor, repeat, copy, colourably imitate, or otherwise multiply for Sale, Hire, Exhibition, or Distribution, or cause or procure to be repeated, copied, colourably imitated, or otherwise multiplied for Sale, Hire, Exhibition, or Distribution, any such work or the Design thereof, or, knowing that any such Repetition, Copy, or other Imitation has been unlawfully made, shall import into any Part of the United Kingdom, or Penalties on Infringement of Copyright.

or sell, publish, let to Hire, exhibit, or distribute, or offer for Sale, Hire, Exhibition, or Distribution, or cause or procure to be imported, sold, published, let to Hire, distributed, or offered for Sale, Hire, Exhibition, or Distribution, any Repetition, Copy, or Imitation of the said Work, or of the Design thereof, made without such Consent as aforesaid, such Person for every such Offence shall forfeit to the Proprietor of the Copyright for the Time being a Sum not exceeding Ten Pounds; and all such Repetitions, Copies, and Imitations made without such Consent as aforesaid, and all Negatives of Photographs made for the Purpose of obtaining such Copies, shall be forfeited to the Proprietor of the Copyright.

Penalties on fraudulent Productions and Sales.

VII. No Person shall do or cause to be done any or either of the following Acts; that is to say,

First, no Person shall fraudulently sign or otherwise affix, or fraudulently cause to be signed or otherwise affixed, to or upon any Painting, Drawing, or Photograph, or the Negative thereof, any Name, Initials, or Monogram:

Secondly, no Person shall fraudulently sell, publish, exhibit, or dispose of, or offer for Sale, Exhibition, or Distribution, any Painting, Drawing, or Photograph, or Negative of a Photograph, having thereon the Name, Initials, or Monogram of a Person who did not execute or make such Work:

Thirdly, no Person shall fraudulently utter, dispose of, or put off, or cause to be uttered or disposed of, any Copy or colourable Imitation of any Painting, Drawing, or Photograph, or Negative of a Photograph, whether there shall be subsisting Copyright therein or not, as having been made or executed by the Author or Maker of the original Work from which such Copy or Imitation shall have been taken:

Fourthly, where the Author or Maker of any Painting, Drawing, or Photograph, or Negative of a Photograph, made either before or after the passing of this Act, shall have sold or otherwise parted with the Possession of such Work, if any Alteration shall afterwards be made therein by any other Person, by Addition or otherwise, no Person shall be at liberty, during the Life of the Author or Maker of such Work, without his Consent, to make or knowingly to sell or publish, or offer for Sale, such Work or any Copies of such Work so altered as aforesaid, or of any Part thereof, as or for the unaltered Work of such Author or Maker:

Penalties.

Every Offender under this Section shall, upon Conviction, forfeit to the Person aggrieved a Sum not exceeding Ten Pounds, or

or not exceeding double the full Price, if any, at which all such Copies, Engravings, Imitations, or altered Works shall have been sold or offered for Sale; and all such Copies, Engravings, Imitations, or altered Works shall be forfeited to the Person, or the Assigns or legal Representatives of the Person, whose Name, Initials, or Monogram shall be so fraudulently signed or affixed thereto, or to whom such spurious or altered Work shall be so fraudulently or falsely ascribed as aforesaid: Provided always, that the Penalties imposed by this Section shall not be incurred unless the Person whose Name, Initials, or Monogram shall be so fraudulently signed or affixed, or to whom such spurious or altered Work shall be so fraudulently or falsely ascribed as aforesaid, shall have been living at or within Twenty Years next before the Time when the Offence may have been committed.

Recovery of pecuniary Penalties.

VIII. All pecuniary Penalties which shall be incurred, and all such unlawful Copies, Imitations, and all other Effects and Things as shall have been forfeited by Offenders, pursuant to this Act, and pursuant to any Act for the Protection of Copyright Engravings, may be recovered by the Person hereinbefore and in any such Act as aforesaid empowered to recover the same respectively, and herein-after called the Complainant or the Complainer, as follows:

In England and Ireland.

In *England* and *Ireland*, either by Action against the Party offending, or by summary Proceeding before any Two Justices having Jurisdiction where the Party offending resides:

In Scotland.

In *Scotland* by Action before the Court of Session in ordinary Form, or by summary Action before the Sheriff of the County where the Offence may be committed or the Offender resides, who, upon Proof of the Offence or Offences, either by Confession of the Party offending, or by the Oath or Affirmation of One or more credible Witnesses, shall convict the Offender, and find him liable to the Penalty or Penalties aforesaid, as also in Expenses, and it shall be lawful for the Sheriff, in pronouncing such Judgment for the Penalty or Penalties and Costs, to insert in such Judgment a Warrant, in the event of such Penalty or Penalties and Costs not being paid, to levy and recover the Amount of the same by Poinding: Provided always, that it shall be lawful to the Sheriff, in the event of his dismissing the Action and assoilzieing the Defender, to find the Complainer liable in Expenses, and any Judgment so to be pronounced by the Sheriff in such summary Application shall be final and conclusive, and not subject to Review by Advocation, Suspension, Reduction, or otherwise.

Superior Courts of Record in which any Action is pending may make an Order for an Injunction, Inspection, or Account.

IX. In any Action in any of Her Majesty's Superior Courts of Record at *Westminster* and in *Dublin*, for the Infringement of any such Copyright as aforesaid, it shall be lawful for the Court in which such Action is pending, if the Court be then sitting, or if the Court be not sitting then for a Judge of such Court, on the Application of the Plaintiff or Defendant respectively, to make such Order for an Injunction, Inspection, or Account, and to give such Direction respecting such Action, Injunction, Inspection, and Account, and the Proceedings therein respectively, as to such Court or Judge may seem fit.

Importation of pirated Works prohibited.

X. All Repetitions, Copies, or Imitations of Paintings, Drawings, or Photographs, wherein or in the Design whereof there shall be subsisting Copyright under this Act, and all Repetitions, Copies, and Imitations of the Design of any such Painting or Drawing, or of the Negative of any such Photograph, which, contrary to the Provisions of this Act, shall have been made in any Foreign State, or in any Part of the *British* Dominions, are hereby absolutely prohibited to be imported into any Part of the United Kingdom, except by or with the Consent of the Proprietor of the Copyright thereof, or his Agent authorized in Writing; and if the Proprietor of any such Copyright, or his Agent, shall declare that any Goods imported are Repetitions, Copies, or Imitations of any such Painting, Drawing, or Photograph, or of the Negative of any such Photograph, and so prohibited as aforesaid, then such Goods may be detained by the Officers of Her Majesty's Customs.

Application in such Cases of Customs Acts.

Saving of Right to bring Action for Damages.

XI. If the Author of any Painting, Drawing, or Photograph, in which there shall be subsisting Copyright, after having sold or otherwise disposed of such Copyright, or if any other Person, not being the Proprietor for the Time being of such Copyright, shall, without the Consent of such Proprietor, repeat, copy, colourably imitate, or otherwise multiply, or cause or procure to be repeated, copied, colourably imitated, or otherwise multiplied, for Sale, Hire, Exhibition, or Distribution, any such Work or the Design thereof, or the Negative of any such Photograph, or shall import or cause to be imported into any Part of the United Kingdom, or sell, publish, let to Hire, exhibit, or distribute, or offer for Sale, Hire, Exhibition, or Distribution, or cause or procure to be sold, published, let to Hire, exhibited or distributed, or offered for Sale, Hire, Exhibition, or Distribution, any Repetition, Copy, or Imitation of such Work, or the Design thereof, or the Negative of any such Photograph, made without such Consent as aforesaid, then every such Proprietor, in addition to the Remedies hereby given for the Recovery of any such Penalties, and

and Forfeiture of any such Things as aforesaid, may recover Damages by and in a Special Action on the Case, to be brought against the Person so offending, and may in such Action recover and enforce the Delivery to him of all unlawful Repetitions, Copies, and Imitations, and Negatives of Photographs, or may recover Damages for the Retention or Conversion thereof: Provided that nothing herein contained, or any Proceeding, Conviction, or Judgment, for any Act hereby forbidden, shall affect any Remedy which any Person aggrieved by such Act may be entitled to either at Law or in Equity.

Provisions of 7 & 8 Vict. c. 12. to be considered as included in this Act.

XII. This Act shall be considered as including the Provisions of the Act passed in the Session of Parliament held in the Seventh and Eighth Years of Her present Majesty, intituled *An Act to amend the Law relating to International Copyright*, in the same Manner as if such Provisions were part of this Act.

CAP. LXIX.

An Act for transferring from the Admiralty to the Board of Trade certain Powers and Duties relative to Harbours and Navigation under Local and other Acts; and for other Purposes.—[29*th* July 1862.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited as The Harbours Transfer Act, 1862.

II. In this Act—

Interpretation of Terms.

The Term "the Admiralty" shall be taken to mean the Lord High Admiral of the United Kingdom for the Time being, or the Commissioners for the Time being for executing the Office of Lord High Admiral; and when the said Term is used in reference to any other Act, it shall be taken to comprise any Term whatsoever used in such other Act to designate such Lord High Admiral or Commissioners:

The Term "the Board of Trade" shall be taken to mean the Lords of the Committee of Privy Council for the Time being appointed for the Consideration of Matters relating to Trade and Foreign Plantations.

Preliminary

Preliminary Inquiries Act, 1851.

Board of Trade may exercise Powers under Preliminary Inquiries Act, 14 & 15 Vict. c. 49.

III. Whenever after the End of the present Session of Parliament Application is made to Parliament for any such Bill as is described in The Preliminary Inquiries Act, 1851, the Board of Trade may exercise the Powers by that Act given to the Admiralty; and in relation to every such Bill that Act shall be read as if the Board of Trade were therein named instead of the Admiralty.

IV. Provided always, as follows:

Board of Trade to inform Admiralty of pending Schemes.

(1.) In each Year as soon as may be, and not more than Fourteen Days after the Deposit at the Office of the Board of Trade of such Documents as may be required by the Standing Orders of either House of Parliament to be there deposited with reference to such Bills as aforesaid, the Board of Trade shall furnish to the Admiralty a List of all such Bills for which Applications to Parliament may be then pending, with a short Statement of the Nature of the Works for the Construction whereof Powers are sought by such Bills respectively:

Admiralty may intervene where necessary for Protection of Interests of Naval Service.

(2.) Where in any Case, on Consideration of the Information so furnished, the Admiralty are of opinion that it is proper for them to take Steps for the Protection of the Interests of Her Majesty's Naval Service, they may exercise the Powers given to them by The Preliminary Inquiries Act, 1851, as if this Act had not been passed, and whether the Standing Orders of either House of Parliament may or may not have required any Documents to be deposited at the Admiralty Office.

Harbours, Docks, and Piers Clauses Act, 1847.

Consent, &c. of Board of Trade as to Harbour Works on Tidal Lands, Lifeboats, &c.

V. With respect to any Special Act that may be passed after the End of the present Session of Parliament, the following Sections of the Harbours, Docks, and Piers Clauses Act, 1847, and all Provisions relative thereto in that Act or in any such future Special Act contained, shall be read and construed as if the Board of Trade were named in the said Sections instead of the Admiralty; namely, Sections Twelve, Thirteen, Sixteen, Eighteen, and Nineteen.

Railways Clauses Consolidation Acts, 1845.

Consent and Approval of Board of

VI. With respect to any Special Act that may be passed after the End of the present Session of Parliament, Sections Seventeen of The Railways Clauses Consolidation Act, 1845, and

and The Railways Clauses Consolidation (*Scotland*) Act, 1845, repectively, and all Provisions relative thereto in the said Acts or in any such future Special Act contained, shall be read and construed as if the Board of Trade were named in the said Sections instead of the Admiralty. Trade to Railway Works on Tidal Lands.

Tramways (Ireland) Act, 1860.

VII. With respect to Applications made after the Thirty-first Day of *December* One thousand eight hundred and sixty-two, under the Tramways (*Ireland*) Act, 1860, Section Forty-one of that Act shall be read as if the Board of Trade were therein named instead of the Admiralty. Plans, &c. to be deposited with Board of Trade under 23 & 24 Vict. c. 152. s. 41.

Special Acts for Railways, Harbours, &c.

VIII. Where any Special or Local or Local and Personal Act, or Act of a Local or Local and Personal Nature, already passed or to be passed before the End of the present Session of Parliament,— Powers for Protection of Navigation, &c. under Local Acts for Harbours, Railways, and other Works on Tidal Lands, &c. to be exercised by Board of Trade.

(1.) Authorizing or regulating the Construction of a Railway, or the Execution of any Work whatever, situate on or affecting Tidal Lands, or the Shore of the Sea or of any navigable River, where and so far up the same as the Tide flows and reflows; or,

(2.) Authorizing or regulating the Construction or improving of a Harbour, Dock, or Pier, or Works connected therewith, by any Company, Body Corporate, Commissioners, Trustees, Undertakers, Persons or Person; or,

(3.) Constituting or altering or regulating the Constitution of any Harbour or Conservancy Authority; or,

(4.) Altering or regulating the Powers or Duties of any Harbour or Conservancy Authority,—

contains either expressly or by Incorporation or Reference or otherwise any Provision for any of the Purposes following:—

For preventing the Construction or Execution of any Work or the doing of any Thing without the Consent or Approval of the Admiralty, or for authorizing or requiring any Work to be constructed, executed, or maintained, or any Thing to be done with the Consent or on the Requisition or to the Satisfaction of the Admiralty:

For empowering the Admiralty to exercise any Authority concerning Lifeboats, Mortars, Rockets, Tide Gauges, or Barometers to be provided by any Undertakers:

For empowering the Admiralty to make a Local Survey or Examination at the Expense of any Company, Body, or Person:

For

For empowering the Admiralty, in case of any Work being abandoned or suffered to fall into Disuse or Decay, or in any other Case, to abate, remove, or alter any Work or any Part of it, or restore the Site thereof to its former Condition, at the like Expense:

For empowering the Admiralty to exercise any Authority concerning Lights to be maintained at Night during the Construction or Execution of any Work:

For empowering the Admiralty or the First Lord of the Admiralty to nominate or appoint a Member or Members of any Board or Body of Trustees, Commissioners, or Conservators, or of any Harbour or Conservancy Authority:

For empowering the Admiralty to determine any Dispute or Difference between or among any Bodies or Persons:

For empowering the Admiralty or the first Lord of the Admiralty to nominate or appoint any Arbitrator, Referee, or Umpire, or any Engineer, Inspector, or Officer, or any Person to fill any Place or discharge any Duty under such Act:

or any other Provision for the Protection, Management, or Regulation of Harbours or Navigation, or for the Exercise of any Control or Power over or in relation to any Harbour Authority, or any other Provision in any wise relating to Conservancy, or authorizing or requiring any Act or Thing concerning Harbours or Navigation or Conservancy to be done by or in relation to the Admiralty,—

Then from and after the Thirty-first Day of *December* One thousand eight hundred and sixty-two, such Acts and all Enactments relative thereto shall be read and construed as if in the respective Provisions aforesaid the Board of Trade were named instead of the Admiralty, and the President of the Board of Trade instead of the First Lord of the Admiralty.

Power to Admiralty to retain Authority over Ports, &c. where Dock-yards, &c. are situate.

IX. Provided always, That where it appears to the Admiralty that the Interests of Her Majesty's Naval Service require that the whole or any Part of any Harbour, Port, Bay, Estuary, or navigable River in, on, or adjoining to which there is or shall be any of Her Majesty's Dockyards, Victualling Yards, Steam Factory Yards, Arsenals, or Naval Stations, should be excepted, either entirely or in some respects, out of the Operation of the last foregoing Section, the Admiralty may give Notice in Writing to the Board of Trade that any such Harbour, Port, Bay, Estuary, or Navigable River as aforesaid, or such Part thereof as is in the Notice specified, is to be deemed so excepted, either entirely or in the respects therein mentioned; and every such Notice shall be published by the Admiralty in the *London*, *Edinburgh*, or *Dublin* Gazette, (according

ing as the Place affected may be in *England*, *Scotland*, or *Ireland*,) and thereupon the Harbour, Port, Bay, Estuary, or navigable River to which such Notice relates or the Part thereof therein specified, shall, either entirely or in the respects therein mentioned, as the case may require, be and remain as if this Act had not been passed, but any such Notice may be from Time to Time varied or at any Time revoked by a like Notice published in like Manner.

Exception as to Mersey and Thames.

X. Provided also, That nothing herein-before contained shall affect—

(1.) The Act of the Session of the Fifth and Sixth Years of Her Majesty, "for better preserving the Navigation "of the River *Mersey*:" 5 & 6 Vict. c. cx.

(2.) So much of Section Three of the Act of the Session of the Twentieth and Twenty-first Years of Her Majesty, "to provide for the Conservation of the River *Thames*, "and for the Regulation, Management, and Improve- "ment thereof," as empowers the Admiralty to appoint Two of the Conservators of the River *Thames*. 20 & 21 Vict. c. cxlvii. s. 3.

General Pier and Harbour Act, 1861, *and Amendment Act.*

Parts of 24 & 25 Vict. c. 45., relative to Admiralty repealed.

XI. From and after the End of the present Session of Parliament, the following Provisions of The General Pier and Harbour Act, 1861, shall be repealed; namely, so much of Section Six as shall be then in force, Sections Seven and Eight, and so much of Section Fifteen as relates to the Consent of the Admiralty.

Pier and Harbour Act Amendment Act repealed as to Deposit at Admiralty Office.

XII. From and after the End of the present Session of Parliament, any Provision of The General Pier and Harbour Act, 1861, Amendment Act, requiring any Deposit of Documents to be made at the Admiralty Office, shall be repealed.

Board of Trade to furnish to Admiralty Information as to Applications for Provisional Orders.

XIII. In each Year, not later than the Seventh Day of *January*, the Board of Trade shall furnish to the Admiralty a List of all Applications for Provisional Orders under the last-mentioned Acts then pending, with a short Statement of the Nature of the Works for the Construction whereof Powers are sought by such proposed Provisional Orders respectively.

Provisions of same Act made applicable to Board of Trade.

XIV. From and after the End of the present Session of Parliament, the following Sections of The General Pier and Harbour Act, 1861, Amendment Act, and all Provisions relative thereto in any other Act or in any Provisional Order of the Board of Trade contained, shall be read and construed as if the Board of Trade were named in the said Sections instead of the Admiralty; namely, Sections Seven, Eight, Nine, Ten, and Eleven.

Public Harbours: 46 *Geo.* 3. *c.* 153.

Notices of Piers, &c. to be given to Board of Trade. 46 G. 3. c. 153.

XV. From and after the Thirty-first Day of *December* One thousand eight hundred and sixty-two the Act of the Forty-sixth Year of King *George* the Third (Chapter One hundred and fifty-three) "for the Preservation of the Public Harbours "of the United Kingdom," shall be read as if the Board of Trade were therein named instead of the Admiralty.

Ballast: 54 *Geo.* 3. *c.* 159.

Provisions as to Ballast to be administered by Board of Trade. 54 G. 3. c. 159. ss. 14. 16.

XVI. From and after the Thirty-first Day of *December* One thousand eight hundred and sixty-two, Sections Fourteen and Sixteen of the Act of the Fifty-fourth Year of King *George* the Third (Chapter One hundred and fifty-nine), "for the better "Regulation of the several Ports, Harbours, Roadsteads, "Sounds, Channels, Bays, and navigable Rivers in the United "Kingdom, and of His Majesty's Docks, Dockyards, Arsenals, "Wharfs, Moorings, and Stores therein, and for repealing seve-"ral Acts passed for that Purpose," and all Provisions in the said Act contained relative thereto, shall be read and construed as if the Board of Trade were named in the said Sections instead of the Admiralty.

Holyhead and Portpatrick.

Transfer of Harbours in Schedule.

XVII. On the First Day of *January* One thousand eight hundred and sixty-three, the Harbours specified in the Schedule to this Act, and all Breakwaters, Piers, Jetties, Quays, Wharves, Lighthouses, Roads, Approaches, Works, and Buildings belonging thereto, and the Ground and Soil thereof, and all Lands and Hereditaments acquired for the Purposes thereof, so far as on that Day such Harbours and Property shall be vested in the Admiralty or in any Commissioner for the Execution of any Act for any Estate or Interest, but not further or otherwise, shall be transferred to and vested in the Board of Trade in trust for Her Majesty, Her Heirs and Successors, for the Public Service; and on and after the same Day the Enactments mentioned in the said Schedule, and every other Enactment relating to or affecting the same Harbours shall be read and construed as if the Board of Trade were therein named instead of the Admiralty or instead of any such Commissioner, as the Case may be.

Powers, &c. under Acts in Schedule and other Acts to be exercised by Board of Trade.

Savings.

Prerogative of Crown and general

XVIII. Nothing in this Act shall affect—

(1.) Any Estate, Right, Title, Interest, Prerogative, Royalty, Jurisdiction, or Authority of or belonging to Her Majesty

Majesty the Queen, Her Heirs or Successors, in right of Her Crown, or of Her Office of Admiral, or otherwise: Conservancy Powers of Admiralty.

(2.) Any Right, Duty, Power, Jurisdiction, or Authority vested in or performed or exercised by, or capable of being performed or exercised by, the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, otherwise than under or by virtue of the several Acts and Parts of Acts herein-before expressly mentioned or referred to.

XIX. Nothing in this Act shall prejudicially affect—

(1.) Any Purchase, Sale, Conveyance, Covenant, Contract, Deed, Act, or Thing which before the passing of this Act has been or before the respective Days whereon the several Provisions of this Act commence and take effect shall be made, entered into, executed, or done under or by virtue of any Act or Part of an Act herein-before expressly mentioned or referred to; and the same respectively shall continue in as full Force and be as valid and effectual as if this Act had not been passed, the Board of Trade being only substituted for the Admiralty: Acts done, Contracts and Appointments made, Proceedings pending, &c. under Provisions of former Acts not to be prejudicially affected.

(2.) Any Debt or Money Demand, or any Right or Cause of Action or Suit, or other Remedy of, for, or against the Admiralty or any other Body or Person; and the same shall and may be paid, discharged, enjoyed, used, or exercised as if this Act had not been passed, the Board of Trade being only substituted for the Admiralty:

(3.) Any Nomination or Appointment of any Member of any Board or Body of Trustees, Commissioners, or Conservators or of any Harbour or Conservancy Authority, which before the passing of this Act has been or before the respective Days aforesaid shall be made under any such Act as aforesaid:

(4.) Any Action, Suit, Prosecution, Proceeding, or Thing which before the passing of this Act has been or before the respective Days aforesaid shall be commenced under or by virtue of any such Act; and the same shall and may be carried on and completed as if this Act had not been passed, the Board of Trade being only substituted for the Admiralty.

Borrowing Powers of Harbour Authorities.

Power to borrow, whether authorized by Special Act or not. 24 & 25 Vict. c. 47. s. 3.

XX. The Power given to a Harbour Authority by The Harbours and Passing Tolls, &c. Act, 1861, to borrow from the Public Works Loan Commissioners, shall be deemed to apply whether the Harbour Authority has or has not Power to borrow under a Special Act.

Borrowing Power not restrained by Limitation of Amount in Special Act.

XXI. A Harbour Authority may, subject and according to the Provisions of the last-mentioned Act, borrow Money to any Amount whatever, notwithstanding any Limitation of the Amount to be borrowed by such Harbour Authority contained in any Special Act; but nothing in The Harbours and Passing Tolls, &c. Act, 1861, or in this Act, shall be deemed to give to any Loan made or to be made under The Harbours and Passing Tolls, &c. Act, 1861, Equality, as to Order of Charge or of Payment of Principal or Interest, with any Loan made or to be made under any Special Act, except only as to such Portion (if any) of the Money raised under The Harbours and Passing Tolls, &c. Act, 1861, as might have been raised under the Special Act solely, or to repeal or alter any Provision of any Special Act whereby any Harbour Authority being a Company is restricted from borrowing until a definite Portion of Capital is subscribed for or taken or paid up.

Maximum Limit of Rates mentioned in 24 & 25 Vict. c. 47. s. 3. p. 7. repealed.

XXII. Section Three, Paragraph Seven, of The Harbours and Passing Tolls, &c. Act, 1861, shall be read and construed as if the Words "not exceeding the Rates specified in the Schedule to The "Burgh Harbours (*Scotland*) Act, 1853," were omitted therefrom.

SCHEDULE.

Harbours.	Enactments.
Holyhead Harbour, and the Harbour of Refuge at or near Holyhead - -	17 & 18 Vict. c. 44.
Portpatrick Harbour - -	1 G. 4. c. 112. sects. 8, 9 (except so much as relates to the signing of Contracts), 10 to 22 (both inclusive), 28, 30, 31, 32. 24 & 25 Vict. c. 106.

CAP. LXX.

An Act for giving effect to a Convention between Her Majesty and the King of Denmark *for the mutual Surrender of Criminals.*—[29*th* July 1862.]

CAP. LXXI.

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and Sixty-two, and to appropriate the Supplies granted in this Session of Parliament.—[7*th* August 1862.]

CAP. LXXII.

An Act to continue certain Turnpike Acts in Great Britain.—[7*th* August 1862.]

WHEREAS it is expedient to continue for limited Times the Acts herein-after specified: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The Acts mentioned in the Schedule to this Act annexed shall continue in force until the First Day of *November* One thousand eight hundred and sixty-three, and no longer, unless Parliament in the meantime continues the same; but every other Act now in force for regulating, making, amending, or repairing any Turnpike Road in *Great Britain* which will expire at or before the End of the next Session of Parliament shall continue in force until the First Day of *November* One thousand eight hundred and sixty-three and to the End of the then next Session of Parliament, except an Act of the Fifty-third

Continuation of Acts except 53 G. 3. c. xxiv., 11. G. 4. & 1 W. 4. c. vi. (in part), 11 G. 4. & 1 W. 4. cc. xxxix., &c.

third Year of King *George* the Third, Chapter Twenty-four, "for enlarging the Term and Powers of an Act of His present "Majesty, for repairing the Roads leading from the Parishes of "*Yoxford*, *Saxmundham*, and *Benhall*, in the County of "*Suffolk*, to the Town of *Aldeburgh* in the said County;" an Act of the Eleventh Year of King *George* the Fourth, Chapter Six, "for more effectually repairing and improving the Road "from *Horsham* to the Road leading to *Guildford* at *Aldford* "*Cross Ways*, with Two Branches therefrom, and for making "and maintaining a new Branch of Road to communicate "therewith, all in the Counties of *Surrey* and *Sussex*," so far as the same relates to the *Rowhook* or new Branch of Road; an Act of the same Year, Chapter Thirty-nine, "for making a "Turnpike Road from the Bridge over the River *Bure* at "*Great Yarmouth* to *Acle* (with certain Branches therefrom), "all in the County of *Norfolk*;" and an Act of the same Year, Chapter One hundred, "for more effectually repairing "and improving the Road from *Cromford Bridge* to the Turn-"pike Road at or near *Langley Mill* in the County of *Derby*."

Short Title.

II. This Act may be cited for all Purposes as "The Annual Turnpike Acts Continuance Act, 1862."

SCHEDULE.

7 & 8 G. 4. c. xcvi.	An Act for altering and maintaining the Road from Stirling to Drymen Bridge in the Counties of Stirling and Perth.

All the remaining Acts specified in this Schedule apply to *England* and *Wales*.

CAP. LXXIII.

An Act for continuing the Copyhold, Inclosure, and Tithe Commission, and entitling the Commissioners to Superannuation Allowance.—[7*th* August 1862.]

CAP. LXXIV.

An Act to enable the Commissioners of Her Majesty's Works to acquire additional Land for the Purposes of

of the "Public Offices Extension Act of 1859," *by way of Exchange for Land already acquired but not wanted for the Purposes of the said Act.*—[7*th* August 1862.]

CAP. LXXV.

An Act to revive and continue an Act for amending the Laws relating to Savings Banks in Ireland.—[7*th* August 1862.]

CAP. LXXVI.

An Act to amend "The Weights and Measures (Ireland) *Act,* 1860;" *to abolish local and customary Denominations of Weight, and to regulate the Mode of weighing Articles sold, in* Ireland.—[7*th* August 1862.]

CAP. LXXVII.

An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.—[7*th* August 1862.]

CAP. LXXVIII.

An Act for providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of Dover *and* Portland, *and of creating a Central Arsenal.*—[7*th* August 1862.]

CAP. LXXIX.

An Act to amend the Law relating to Coal Mines.—[7*th* August 1862.]

WHEREAS it is expedient to amend an Act passed in the Session holden in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and fifty-one, and intituled *An Act for the Regulation and Inspection of Mines*, and herein-after referred to as the "Principal Act:" Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

23 & 24 Vict. c. 151.

Application of Act.

I. This Act shall apply only to Coal Mines and Ironstone Mines mentioned in the Seventh Section of the Principal Act.

Interpretation of Terms.

II. The Expression "existing Mine" shall mean a Mine that is actually being worked at the Time of the passing of this Act:

The Expression "new Mine" shall mean a Mine opened after the passing of this Act, or an old Mine the working of which is begun afresh after the passing of this Act.

Prohibition of single Shafts.

III. After the passing of this Act it shall not be lawful for the Owner of a new Mine, and after the First Day of *January* One thousand eight hundred and sixty-five it shall not be lawful for the Owner of an existing Mine to employ any Person in working within such Mine, or to permit any Person to be in such Mine for the Purpose of working therein, unless there are in communication with every Seam of such Mine for the Time being at work at least Two Shafts or Outlets, separated by natural Strata of not less than Ten Feet in Breadth, by which Shafts or Outlets distinct Means of Ingress and Egress are available to the Persons employed in the Mine; but it shall not be necessary for the Two Shafts or Outlets to belong to the same Mine, if the Persons therein employed have available Means of Ingress and Egress by not less than Two Shafts or Outlets, One or more of which may belong to another Mine.

This Section shall not apply to opening a new Mine for the Purpose of searching for or proving Minerals, or to any Working for the Purpose of making a Communication between Two or more Shafts, so long as not more than Twenty Persons are employed at any one Time in the said new Mine or Working.

IV. If

Appeal by Owner of existing Mine to Arbitration.

IV. If the Owner of any existing Mine objects, within such Time as is herein-after mentioned, in Writing addressed to One of Her Majesty's Principal Secretaries of State, that by reason of the Nature of the Mine, or from its being nearly exhausted, or from any other special Cause, he ought to be exempted from the Obligation of providing an additional Shaft or Outlet in pursuance of this Act, or that he cannot provide an additional Shaft or Outlet within the Time limited by this Act, a Reference shall be made to Arbitration as to whether the Owner ought or ought not under the Circumstances, to provide an additional Shaft or Outlet, or ought or ought not to have an Extension of Time for providing an additional Shaft or Outlet: If the Result of the Arbitration is in favour of the Owner, he shall, as the Case requires, be relieved from the Obligation of providing an additional Shaft or Outlet, or have such Extension of Time granted to him for providing an additional Shaft or Outlet as may be determined by the Award: If the Result of the Arbitration be against the Owner, or if no Award is made by reason of any Default or Neglect on the Part of the Owner, he shall be bound to comply with the Provisions of this Act, in the same Manner as if this Section had not been enacted.

Mode of conducting Arbitrations.

V. Arbitrations, in pursuance of this Act, shall be conducted in manner directed by the Thirteenth Section of the Principal Act in Cases where the Owner, within the Twenty Days therein mentioned, objects to any Alterations in or Additions to Rules, or Rules by way of Substitution proposed by the Secretary of State; but no Objection made in pursuance of this Act by the Owner of an existing Mine shall be entertained unless it is made within the Times following; that is to say, if he claims to be exempted from the Obligation of providing an additional Shaft or Outlet in pursuance of this Act, within Six Calendar Months after the passing of this Act; and if he claims to have an Extension of Time for providing an additional Shaft or Outlet, within the Six Calendar Months immediately preceding the First Day of *January* One thousand eight hundred and sixty-five.

Power to enforce by Injunction Compliance with Act.

VI. Any of Her Majesty's Superior Courts of Law or Equity may, upon the Application of the Attorney General acting on behalf of the said Secretary of State, prohibit by Injunction the working of any Mine in which any Person is employed in working, or is permitted to be for the Purpose of working, in contravention of the Provisions of this Act, and may award such Costs in the Matter of the Injunction as the Court thinks just; but this Section shall be without Prejudice to

to any other Remedy permitted by Law for enforcing the Provisions of this Act.

Agreements in contravention of Act illegal.

VII. No Person shall be precluded by any Agreement made before the passing of this Act from doing such Acts as may be necessary for providing an additional Shaft or Outlet to a Mine where the same is required by this Act, or be liable under any Agreement to any Penalty or Forfeiture for doing such Acts as may be necessary in order to comply with the Provisions of this Act.

Construction of Act.

VIII. This Act shall be construed as One with the Principal Act, and the Powers hereby given shall be deemed to be in addition to and not in derogation of any Powers conferred by the Principal Act, and such last-mentioned Powers may be exercised in the same Manner as if this Act had not been passed.

CAP. LXXX.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain *and* Ireland; *to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers.*—[7*th* August 1862.]

CAP. LXXXI.

An Act to make perpetual An Act to amend the Procedure and Powers of the Court for Divorce and Matrimonial Causes.—[7*th* August 1862.]

CAP. LXXXII.

An Act for the more economical Recovery of Poor Rates and other Local Rates and Taxes.—[7*th* August 1862.]

WHEREAS it is expedient to provide for the more economical Recovery of Poor Rates and other Local Rates and Taxes: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Consolidation of Proceedings for the Recovery of Rates.

I. Where any Number of Local Rates and Taxes, whether of the same or of different Kinds, are due from the same Person, the Rates and Taxes so due may be included in the same Information, Complaint, Summons, Order, Warrant, or other Document required by Law to be laid before Justices or to be issued by Justices, and every such Document as aforesaid shall, as respects each Rate or Tax comprised in it, be construed as a separate Document, and its Invalidity as respects any one Rate or Tax shall not affect its Validity as respects any other Rate or Tax comprised in it:

No Costs shall be allowed in respect of several Informations, Complaints, Summonses, Orders, Warrants, or other such Documents as aforesaid, in Cases where, in the Opinion of the Justices or Court having Jurisdiction over the said Costs, One Information, Complaint, Summons, Order, Warrant, or other Document as aforesaid might have sufficed, regard being had to the Provisions of this Act.

CAP. LXXXIII.

An Act to amend the Laws in force for the Relief of the destitute Poor in Ireland, *and to continue the Powers of the Commissioners.*—[7*th* August 1862.]

CAP. LXXXIV.

An Act to continue the Duties of Excise on Sugar made in the United Kingdom, and to amend the Laws relating to the Duties of Excise.—[7*th* August 1862.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies for defraying Your Majesty's public Expenses and making an Addition to the Public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the Duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Excise Duties on British Sugar continued until 1st July 1863.

I. The Duties of Excise on Sugar made in the United Kingdom, specified in Schedule (B.) of the Act passed in the Twentieth and Twenty-first Years of Her Majesty's Reign, Chapter Sixty-one, shall be continued, and be levied and charged until the First Day of *July* One thousand eight hundred and sixty-three.

23 & 24 Vict. c. 114. not to affect any other Duties than the Excise Duties on Spirits.

II. And whereas an Act was passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter One hundred and fourteen, to reduce into One Act and to amend the Excise Regulations relating to the distilling, rectifying, and dealing in Spirits; and by the said Act certain Acts and Parts of Acts specified in Schedule (C.) thereto annexed were repealed, and Doubts may arise whether by such Repeal other Duties than those of Excise on Spirits and the Regulations for charging and collecting the same may not have been prejudiced or affected contrary to the true Intent and Meaning of the said last-recited Act: Be it enacted and declared, That nothing in the said last-recited Act or the said Schedule contained shall be construed, deemed, or taken to have repealed or affected any Duties of Excise in force at the Time of the passing of the same Act, or the Regulations for charging or collecting the same,

same, except as to the Duties of Excise on Spirits, and all such Duties and Regulations in force as aforesaid, except as aforesaid, are hereby declared to have remained and shall continue to be and remain in full Force and Effect, and the said Duties to have been and to be lawfully charged and chargeable in like Manner as they would have been if the said last-recited Act had not been passed, unless or until the same have been or shall be otherwise expressly repealed.

CAP. LXXXV.

An Act to facilitate the Transmission of Moveable Property in Scotland.—[7*th* August 1862.]

WHEREAS it is expedient to facilitate the Transmission of Moveable Estate in *Scotland:* Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Personal Bond or Conveyance of Moveable Estate may be assigned in the Form set forth in Schedule A.

I. From and after the passing of this Act, it shall be competent to any Party, in right of a Personal Bond or of a Conveyance of Moveable Estate, to assign such Bond or Conveyance by Assignation in or as nearly as may be in the Form set forth in Schedule A. hereto annexed; and it shall be competent to write the Assignation or Assignations on the Bond or Conveyance itself in or as nearly as may be in the Form set forth in Schedule B. hereto annexed; which Assignation shall be registrable in the Books of any Court, in Terms of any Clause of Registration contained in the Bond or Conveyance so assigned; and such Assignation, upon being duly stamped and duly intimated, shall have the same Force and Effect as a duly stamped and duly intimated Assignation according to the Forms at present in use.

Certified Copy to be delivered to Person or Persons to whom

II. An Assignation shall be validly intimated (1) by a Notary Public delivering a Copy thereof, certified as correct, to the Person or Persons to whom Intimation may in any Case be requisite, or (2) by the Holder of such Assignation, or any Person authorized by him, transmitting a Copy thereof certified

Intimation may in any Case be requisite.

fied as correct by Post to such Person; and (in the First Case) a Certificate by such Notary Public in or as nearly as may be in the Form set forth in Schedule C. hereto annexed, and (in the Second Case) a written Acknowledgment by the Person to whom such Copy may have been transmitted by Post as aforesaid of the Receipt of the Copy, shall be sufficient Evidence of such Intimation having been duly made: Provided always, that if the Deed or Instrument containing such Assignation shall likewise contain other Conveyances or Declarations of Trust Purposes, it shall not be necessary to deliver or transmit a full Copy thereof, but only a Copy of such Part thereof as respects the Subject Matter of such Assignation.

As to Transmission of Personal Bond, &c. according to present Forms.

III. Nothing in this Act contained shall prevent the Transmission of any Personal Bond or Conveyance of Moveable Estate, or the Intimation of any Assignation according to the Forms at present in use.

Interpretation of Terms.

IV. The following Words in this Act, and in the Schedules annexed to this Act, shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say, the Word "Bond" and the Word "Conveyance" shall extend to and include Personal Bonds for Payment or Performance, Bonds of Caution, Bonds of Guarantee, Bonds of Relief, Bonds and Assignations in Security of every Kind, Decreets of any Court, Policies of Assurance of any Assurance Company or Association in *Scotland*, whether held by Parties resident in *Scotland* or elsewhere, Protests of Bills or of Promissory Notes, Dispositions, Assignations, or other Conveyances of Moveable or Personal Property or Effects, Assignations, Translations, and Retrocessions, and also Probative Extracts of all such Deeds from the Books of any competent Court; the Word "Assignation" shall also include Translations and Retrocessions, and Probative Extracts thereof; the Words "Moveable Estate" shall extend to and include all Personal Debts and Obligations, and Moveable or Personal Property or Effects of every Kind.

Short Title.

V. This Act may by cited for all Purposes as the "Transmission of Moveable Property (*Scotland*) Act, 1862."

SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

I *A.B.*, in consideration of, *&c.* [*or otherwise, as the Case may be*], do hereby assign to *C.D.* and his Heirs or Assignees [*or otherwise, as the Case may be,*] the Bond [*or other Deed, describing it,*] granted by *E.F.*, dated, *&c.*, by which [*here specify the Nature of the Deed, and specify also any connecting Title, and any Circumstances requiring to be stated in regard to the Nature and Extent of the Right required*]. In witness whereof, *&c.*

[*Insert Testing Clause in usual Form.*]

SCHEDULE B.

I *A.B.*, in consideration of, *&c.* [*or otherwise, as the Case may be,*] do hereby assign to *C.D.* and his Heirs or Assignees [*or otherwise as the Case may be,*] the foregoing [*or within-written*] Bond [*or other Writ or Deed, describing it,*] granted in my Favour [*or otherwise, as the Case may be, specifying any connecting Title, and any Circumstances requiring to be stated in regard to the Nature and Extent of the Right assigned*]. In witness whereof, *&c.*

[*Insert Testing Clause in usual Form.*]

SCHEDULE C.

I (*A.*) of the City of Notary Public, do hereby attest and declare, That upon the Day of and between the Hours of and I duly intimated to *B.* [*here describe the Party*] the within written Assignation [*or otherwise, as the Case may be*], or an Assignation granted by [*here describe it*], and that by delivering to the said *A.* personally [*or otherwise*] by leaving for the said *A.* within his Dwelling House at *E.*, in the Hands of [*here describe the Party*], a full Copy thereof, [*or if a partial Copy here quote*

quote the Portion of the Deed which has been delivered,] to be given to him; all of which was done in presence of *C.* and *D.* [*here name and describe the two Witnesses,*] who subscribe this Attestation along with me. In witness whereof.

[*Insert Testing Clause in usual Form, to be subscribed by the Party and the Two Witnesses.*]

CAP. LXXXVI.

An Act to amend the Law relating to Commissions of Lunacy and the Proceedings under the same, and to provide more effectually for the visiting of Lunatics, and for other Purposes.—[7*th* August 1862.]

CAP. LXXXVII.

An Act to consolidate and amend the Laws relating to Industrial and Provident Societies.—[7*th* August 1862.]

15 & 16 Vict. c. 31.

WHEREAS by the Industrial and Provident Societies Act, 1852, it is enacted, that it shall be lawful for any Number of Persons to establish a Society under the Provisions thereof and of the therein-recited Act, for the Purpose of raising by voluntary Subscriptions of the Members thereof a Fund for attaining any Purpose or Object for the Time being authorized by the Laws in force with respect to Friendly Societies or by the said recited Act, by carrying on or exercising in common any Labour, Trade, or Handicraft, or several Labours, Trades, or Handicrafts, except the working of Mines, Minerals, or Quarries beyond the Limits of the United Kingdom of *Great Britain* and *Ireland*, and also except the Business of Banking, whether in the said United Kingdom or elsewhere; and that the

the said Act shall apply to all Societies already established for any of the Purposes herein mentioned, so soon as they shall conform to the Provisions hereof: And whereas by an Act passed in the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Twenty-five, various Provisions were made for the better enabling legal Proceedings to be carried on in any Matter concerning the Societies formed under the said Act of 1852: And whereas the last-mentioned Act was amended by an Act passed in the First Session of the Nineteenth and Twentieth Years of Her present Majesty, Chapter Forty: And whereas various Societies have been formed and are now carrying on Business under the Provisions of the said recited Acts, and it is desirable to consolidate and amend the Laws relating to such Societies: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

17 & 18 Vict. c. 25.

19 & 20 Vict. c. 40.

Recited Acts repealed.

I. The Industrial and Provident Societies Act, 1852, and the said recited Acts for the Amendment thereof, are hereby repealed from the passing of this Act.

As to Societies registered under recited Acts.

II. All Societies registered under the Industrial and Provident Societies Act, 1852, shall be entitled to obtain a Certificate of Registration on Application to the Registrar of Friendly Societies, and for which Certificate no Fee shall be payable to the Registrar.

Constitution of Societies under this Act.

III. Any Number of Persons, not being less than Seven, may establish a Society under this Act for the Purpose of carrying on any Labour, Trade, or Handicraft, whether wholesale or retail, except the working of Mines and Quarries, and except the Business of Banking, and of applying the Profits for any Purposes allowed by the Friendly Societies Acts, or otherwise permitted by Law.

Rules.

IV. The Rules of every such Society shall contain Provisions in respect of the several Matters mentioned in the Schedule annexed to this Act.

Registration of Society.

V. Two Copies of the Rules shall be forwarded to the Registrar of Friendly Societies of *England*, *Scotland*, or *Ireland*, according to the Place where the Office of the Society is situate, and shall be dealt with by him in the Manner provided by the Friendly Societies Act, 1855; and he shall thereupon give his Certificate of Registration, and such Certificate shall in all Cases be conclusive Evidence that the Society has been duly registered, and thereupon the Members of such Society shall become a Body Corporate, by the Name therein described, having

Certificate of Registration to vest all Property in Society now held in trust for Society.

having a perpetual Succession and a Common Seal, with Power to hold Lands and Buildings, with limited Liability.

VI. The Certificate of Registration shall vest in the Society all the Property that may at the Time be vested in any Person in trust for the Society; and all legal Proceedings then pending by or against any such Trustee or other Officer on account of the Society may be prosecuted by or against the Society in its registered Name without Abatement.

Copy of Rules to be delivered to Persons, on Demand.

VII. A Copy of the Rules shall be delivered by the Society to every Person, on Demand, on Payment of a Sum not exceeding One Shilling.

No Society to be registered by same Name as that of any existing Society.

VIII. No Society shall be registered under a Name identical with that by which any other existing Society has been registered, or so nearly resembling such Name as to be likely to deceive the Members or the Public, and the Word "Limited" shall be the last Word in the Name of every Society registered under this Act.

Member's Interests limited to £200.

IX. No Member shall be entitled, in any Society registered under this Act, to hold or claim any Interest exceeding the Sum of Two hundred Pounds.

Publication of Name by a Society.

X. Every Society registered under this Act shall paint or affix, and shall keep painted or affixed, its Name on the Outside of every Office or Place in which the Business of the Society is carried on, in a conspicuous Position, in Letters easily legible, and shall have its Name engraven in legible Characters on its Seal, and shall have its Name mentioned in legible Characters in all Notices, Advertisements, and other official Publications of such Society, and in all Bills of Exchange, Promissory Notes, Endorsements, Cheques, and Orders for Money or Goods purporting to be signed by or on behalf of such Company, and in all Bills of Parcels, Invoices, Receipts, and Letters of Credit of the Society.

Penalties on Non-publication of Name, &c.

XI. If any Society under this Act does not paint or affix, and keep painted or affixed, its Name in manner directed by this Act, it shall be liable to a Penalty not exceeding Five Pounds for not so painting or affixing its Name, and for every Day during which such Name is not so kept painted or affixed; and if any Officer of such Society or any Person on its Behalf uses any Seal purporting to be a Seal of the Society whereon its Name is not so engraven as aforesaid, or issues or authorizes the Issue of any Notice, Advertisement, or other official Publication of such Society, or signs or authorizes to be signed on behalf of such Society any Bill of Exchange, Promissory Note, Endorsement, Cheque, Order for Money or Goods, or issues or authorizes to be issued any Bill of Parcels, Invoice, Receipt, or Letter

Letter of Credit of the Society, wherein its Name is not mentioned in manner aforesaid, he shall be liable to a Penalty of Fifty Pounds, and shall further be personally liable to the Holder of any such Bill of Exchange, Promissory Note, Cheque, or Order for Money or Goods, for the Amount thereof, unless the same is duly paid by the Society.

Every Society to have a registered Office.

Penalty on Default.

XII. Every Society under this Act shall have a registered Office to which all Communications and Notices may be addressed: If any Society registered under this Act carries on Business without having such an Office, it shall incur a Penalty not exceeding Five Pounds for every Day during which Business is so carried on.

Notice of Situation of registered Office.

XIII. Notice of the Situation of such registered Office, and of any Change therein, shall be given to the Registrar, and recorded by him: Until such Notice is given the Society shall not be deemed to have complied with the Provisions of this Act.

Signature, and Effect of Rules.

XIV. The Rules of every Society registered under this Act shall bind the Society, and the Members thereof, to the same Extent as if each Member had subscribed his Name and affixed his Seal thereto, and there were in such Rules contained a Covenant on the Part of himself, his Heirs, Executors, and Administrators, to conform to such Rules subject to the Provisions of this Act; and all Monies payable by any Member to the Society in pursuance of such Rules shall be deemed to be a Debt due from such Member to the Society.

Application of Friendly Societies Acts to this Act.

XV. The Provisions of the Friendly Societies Acts shall apply to Societies registered under this Act in the following Particulars:

Exemption from Stamp Duties and Income Tax:
Settlements of Disputes by Arbitration or Justices:
Compensation to Members unjustly excluded:
Power of Justices or County Courts in case of Fraud:
Jurisdiction of the Registrar.

Power to Member to nominate Persons into whose Name his Interest may be transferred at his Death.

XVI. The Provisions of the Friendly Societies Act, 1854, whereby a Member of any Society registered thereunder is allowed to nominate any Persons to whom his Investment in such Society shall be paid, shall extend, in the Case of Societies registered under this Act, to allow any Member thereof to nominate any Persons into whose Name his Interest in such Society at his Decease shall be transferred: Provided nevertheless, that any such Society may, in lieu of making such Transfer, elect to pay to any Persons so nominated the full Value of such Interest.

XVII. Any

As to the Winding-up of Societies.

XVII. Any Society registered under this Act may be wound up either by the Court or voluntarily, in the same Manner and under the same Circumstances under and in which any Company may be wound up under any Acts or Act for the Time being in force for winding up Companies; and all the Provisions of such Acts or Act with respect to winding up shall apply to such Society, with this exception, that the Court having Jurisdiction in the Winding-up shall be the County Court of the District in which the Office of the Society is situated.

Dissolution of Society not to prevent winding up of its Affairs.

XVIII. In case of the Dissolution of any such Society, such Society shall nevertheless be considered as subsisting, and be in all respects subject to the Provisions of this Act, so long and so far as any Matters relating to the same remain unsettled, to the Intent that such Society may do all things necessary to the winding up of the Concerns thereof, and that it may be sued and sue, under the Provisions of this Act, in respect of all Matters relating to such Society.

Provisions of Joint Stock Companies Acts to apply.

XIX. The Provisions of the Joint Stock Companies Acts as to Bills of Exchange and the Admissibility of the Register of Shares in Evidence shall apply to all Societies registered under this Act.

Liability of present and past Members of Society.

XX. In the event of a Society registered under this Act being wound up, every present and past Member of such Society shall be liable to contribute to the Assets of the Society to an Amount sufficient for Payment of the Debts and Liabilities of the Society, and the Costs, Charges, and Expenses of the Winding-up, and for the Payment of such Sums as may be required for the Adjustment of the Rights of the Contributories amongst themselves, with the Qualifications following; (that is to say,)

(1.) No past Member shall be liable to contribute to the Assets of the Society if he has ceased to be a Member for a Period of One Year or upwards prior to the Commencement of the Winding-up:

(2.) No past Member shall be liable to contribute in respect of any Debt or Liability of the Society contracted after the Time at which he ceased to be a Member:

(3.) No past Member shall be liable to contribute to the Assets of the Society unless it appears to the Court that the existing Members are unable to satisfy the Contributions required to be made by them in order to satisfy all just Demands upon such Society:

(4.) No Contribution shall be required from any Member exceeding

exceeding the Amount (if any) unpaid on the Shares in respect of which he is liable as a past or present Member.

Society may be constituted under Companies Acts.

XXI. Any Society registered under this Act may be constituted a Company under the Companies Acts, by conforming to the Provisions set forth in such Act, and thereupon shall cease to retain its Registration under this Act.

Members may inspect Books.

XXII. Every Person or Member having an Interest in the Funds of any Society registered under this Act may inspect the Books and the Names of the Members at all reasonable Hours at the Office of the Society.

Sheriff's Jurisdiction in Scotland.

XXIII. The Sheriff in *Scotland* shall within his County have the like Jurisdiction as is hereby given to the Judge of the County Court in any Matter arising under this Act.

Annual Returns to be prepared as Registrar may direct.

XXIV. A General Statement of the Funds and Effects of any Society registered under this Act shall be transmitted to the Registrar once in every Year, and shall exhibit fully the Assets and Liabilities of the Society, and shall be prepared and made out within such Period, and in such Form, and shall comprise such Particulars as the Registrar shall from Time to Time require; and the Registrar shall have Authority to require such Evidence as he may think expedient of all Matters required to be done, and of all Documents required to be transmitted to him under this Act; and every Member of or any Depositor in any such Society shall be entitled to receive, on Application to the Treasurer or Secretary of that Society, a Copy of such Statement, without making any Payment for the same.

Recovery of Penalties.

XXV. All Penalties imposed by this Act, or by the Rules of any Society registered under this Act, may be recovered in a summary Manner before Two Justices, as directed by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty Queen *Victoria*, Chapter Forty-three, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders.*

Short Title.

XXVI. This Act may be cited as "The Industrial and Provident Societies Act, 1862."

SCHEDULE

SCHEDULE of Matters to be provided for in the Rules.

1. Object and Name, and Place of Office of the Society, which must in all Cases be registered as one of limited Liability.
2. Terms of Admission of Members.
3. Mode of holding Meetings and Right of Voting, and of making or altering Rules.
4. Determination whether the Shares shall be transferable, and in case it be determined that the Shares shall be transferable, Provision for the Form of Transfer and Registration of Shares and for the Consent of the Committee of Management and Confirmation by the General Meeting of the Society; and in case Shares shall not be transferable, Provision for paying to Members Balance due to them on withdrawing from the Society.
5. Provision for the Audit of Accounts.
6. Power to invest Part of Capital in another Society; provided that no such Investment be made in any other Society not registered under this Act, or the Joint Stock Companies Act, as a Society or Company with limited Liability.
7. Power and Mode of withdrawing from the Society, and Provisions for the Claims of Executors, Administrators, or Assigns of Members.
8. Mode of Application of Profits.
9. Appointment of Managers and other Officers, and their respective Powers and Remuneration.

CAP. LXXXVIII.

An Act to amend the Law relating to the fraudulent marking of Merchandise.—[7*th* August 1862.]

WHEREAS it is expedient to amend the Laws relating to the fraudulent marking of Merchandise, and to the Sale of Merchandise falsely marked for the Purpose of Fraud: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Construction of Words.

I. In the Construction of this Act the Word "Person" shall include any Person, whether a Subject of Her Majesty or not, and any Body Corporate or Body of the like Nature, whether constituted according to the Law of this Country or of any of Her Majesty's Colonies or Dominions, or according to the Law of any Foreign Country, and also any Company, Association, or Society of Persons, whether the Members thereof be Subjects of Her Majesty or not, or some of such Persons Subjects of Her Majesty and some of them not, and whether such Body Corporate, Body of the like Nature, Company, Association, or Society be established or carry on business within Her Majesty's Dominions, or elsewhere, or partly within Her Majesty's Dominions and partly elsewhere; the Word "Mark" shall include any Name, Signature, Word, Letter, Device, Emblem, Figure, Sign, Seal, Stamp, Diagram, Label, Ticket, or other Mark of any other Description; and the Expression "Trade Mark" shall include any and every such Name, Signature, Word, Letter, Device, Emblem, Figure Sign, Seal, Stamp, Diagram, Label, Ticket, or other Mark as aforesaid lawfully used by any Person to denote any Chattel, or (in *Scotland*) any Article of Trade, Manufacture, or Merchandise, to be an Article or Thing of the Manufacture, Workmanship, Production, or Merchandise of such Person, or to be an Article or Thing of any peculiar or particular Description made or sold by such Person, and shall also include any Name, Signature, Word, Letter, Number, Figure, Mark, or Sign which in pursuance of any Statute or Statutes for the Time being in force relating

relating to registered Designs is to be put or placed upon or attached to any Chattel or Article during the Existence or Continuance of any Copyright or other sole Right acquired under the Provisions of such Statutes or any of them; the Word "Misdemeanor" shall include Crime and Offence in *Scotland*; and the Word "Court" shall include any Sheriff or Sheriff Substitute in *Scotland*.

Forging a Trade Mark or falsely applying any Trade Mark with Intent to defraud, a Misdemeanor.

II. Every Person who, with Intent to defraud, or to enable another to defraud any Person, shall forge or counterfeit, or cause or procure to be forged or counterfeited, any Trade Mark, or shall apply, or cause or procure to be applied, any Trade Mark or any forged or counterfeited Trade Mark to any Chattel or Article not being the Manufacture, Workmanship, Production, or Merchandise of any Person denoted or intended to be denoted by such Trade Mark, or denoted or intended to be denoted by such forged or counterfeited Trade Mark, or not being the Manufacture, Workmanship, Production, or Merchandise of any Person whose Trade Mark shall be so forged or counterfeited, or shall apply, or cause or procure to be applied, any Trade Mark or any forged or counterfeited Trade Mark to any Chattel or Article, not being the particular or peculiar Description of Manufacture, Workmanship, Production, or Merchandise denoted or intended to be denoted by such Trade Mark or by such forged or counterfeited Trade Mark, shall be guilty of a Misdemeanor, and every Person so committing a Misdemeanor shall also forfeit to Her Majesty every Chattel and Article belonging to such Person to which he shall have so unlawfully applied, or caused or procured to be applied, any such Trade Mark or forged or counterfeited Trade Mark as aforesaid, and every Instrument in the Possession or Power of such Person, and by means of which any such Trade Mark, or forged or counterfeited Trade Mark as aforesaid, shall have been so applied, and every Instrument in the Possession or Power of such Person for applying any such Trade Mark or forged or counterfeit Trade Mark as aforesaid, shall be forfeited to Her Majesty; and the Court before which any such Misdemeanor shall be tried may order such forfeited Articles as aforesaid to be destroyed or otherwise disposed of as such Court shall think fit.

Applying a forged Trade Mark to any Vessel, Case, Wrapper, &c. in or with which

III. Every Person who, with Intent to defraud, or to enable another to defraud, any Person, shall apply or cause or procure to be applied any Trade Mark or any forged or counterfeited Trade Mark to any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing in, on, or with which any Chattel or Article shall be intended to be sold or shall be sold or uttered or exposed for Sale, or intended for any

any Purpose of Trade or Manufacture, or shall enclose or place any Chattel or Article, or cause or procure any Chattel or Article to be enclosed or placed, in, upon, under, or with any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing to which any Trade Mark shall have been falsely applied, or to which any forged or counterfeited Trade Mark shall have been applied, or shall apply or attach or cause or procure to be applied or attached to any Chattel or Article any Case, Cover, Reel, Ticket, Label, or other Thing to which any Trade Mark shall have been falsely applied, or to which any forged or counterfeited Trade Mark shall have been applied, or shall enclose, place, or attach any Chattel or Article, or cause or procure any Chattel or Article to be enclosed, placed, or attached, in, upon, under, with, or to any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing having thereon any Trade Mark of any other Person, shall be guilty of a Misdemeanor, and every Person so committing a Misdemeanor shall also forfeit to Her Majesty every such Chattel and Article, and also every such Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing as aforesaid in the Possession or Power of such Person; and every other similar Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing made to be used in like Manner as aforesaid, and every Instrument in the Possession or Power of such Person, and by means of which any such Trade Mark or forged or counterfeited Trade Mark as aforesaid shall have been applied, and also every Instrument in the Possession or Power of such Person for applying any such Trade Mark or forged or counterfeit Trade Mark as aforesaid, shall be forfeited to Her Majesty; and the Court before which any such Misdemeanor shall be tried may order such forfeited Articles as aforesaid to be destroyed or otherwise disposed of as such Court shall think fit.

any Article is sold or intended to be sold, a Misdemeanor.

IV. Every Person who, after the Thirty-first Day of *December* One thousand eight hundred and sixty-three, shall sell, utter, or expose either for Sale or for any Purpose of Trade or Manufacture, or cause or procure to be sold, uttered, or exposed for Sale or other Purpose as aforesaid, any Chattel or Article, together with any forged or counterfeited Trade Mark, which he shall know to be forged or counterfeited, or together with the Trade Mark of any other Person applied or used falsely or wrongfully or without lawful Authority or Excuse, knowing such Trade Mark of another Person to have been so applied or used as aforesaid, and that whether any such Trade Mark or forged or counterfeited

Selling Articles with forged or false Trade Marks after 31st December 1863, Penalty equal to Value of Article sold, and a Sum not exceeding 5*l.* nor less than 10*s.*

counterfeited Trade Mark as aforesaid, together with which any such Chattel or Article shall be sold, uttered, or exposed for Sale or other Purpose as aforesaid, shall be in, upon, about, or with such Chattel or Article, or in, upon, about, or with any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing in, upon, about, or with which such Chattel or Article shall be so sold or uttered or exposed for Sale or other Purpose as aforesaid, shall for every such Offence forfeit and pay to Her Majesty a Sum of Money equal to the Value of the Chattel or Article so sold, uttered, offered, or exposed for Sale or other Purpose as aforesaid, and a further Sum not exceeding Five Pounds and not less than Ten Shillings.

Additions to and Alterations of Trade Marks made with Intent to defraud to be deemed Forgeries.

V. Every Addition to and every Alteration of, and also every Imitation of any Trade Mark which shall be made, applied, or used with Intent to defraud, or to enable any other Person to defraud, or which shall cause a Trade Mark with such Alteration or Addition, or shall cause such Imitation of a Trade Mark to resemble any genuine Trade Mark so or in such Manner as to be calculated or likely to deceive, shall be and be deemed to be a false, forged, and counterfeited Trade Mark within the Meaning of this Act; and every Act of making, applying, or otherwise using any such Addition to or Alteration of a Trade Mark or any such Imitation of a Trade Mark as aforesaid done by any Person with Intent to defraud, or to enable any other Person to defraud, shall be and be deemed to be forging and counterfeiting a Trade Mark within the Meaning of this Act.

Any Person who, after 31st December 1863, shall have sold an Article having a false Trade Mark to be bound to give Information where he procured it;

VI. Where any Person who, at any Time after the Thirty-first Day of *December* One thousand eight hundred and sixty-three, shall have sold, uttered, or exposed for Sale or other Purpose as aforesaid, or shall have caused or procured to be sold, uttered, or exposed for Sale or other Purpose as aforesaid, any Chattel or Article, together with any forged or counterfeited Trade Mark, or together with the TradeMark of any other Person used without lawful Authority or Excuse as aforesaid, and that whether any such Trade Mark, or such forged or counterfeited Trade Mark as aforesaid, be in, upon, about, or with such Chattel or Article, or in, upon, about, or with any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing in, upon, about, or with which such Chattel or Article shall have been sold or exposed for Sale, such Person shall be bound upon Demand in Writing delivered to him or left for him at his last known Dwelling House or at the Place of Sale or Exposure for Sale by or on the Behalf of any Person whose Trade Mark shall have been so forged or counterfeited, or used without lawful Authority or Excuse as aforesaid, to

to give to the Person requiring the same, or his Attorney or Agent, within Forty-eight Hours after such Demand, full Information in Writing of the Name and Address of the Person from whom he shall have purchased or obtained such Chattel or Article, and of the Time when he obtained the same; and it shall be lawful for any Justice of the Peace, on Information on Oath of such Demand and Refusal, to summon before him the Party refusing, and on being satisfied that such Demand ought to be complied with to order such Information to be given within a certain Time to be appointed by him; and any such Party who shall refuse or neglect to comply with such Order shall for every such Offence forfeit and pay to Her Majesty the Sum of Five Pounds, and such Refusal or Neglect shall be *primâ facie* Evidence that the Person so refusing or neglecting had full Knowledge that the Trade Mark, together with which such Chattel or Article was sold, uttered, or exposed for Sale or other Purpose as aforesaid, at the Time of such selling, uttering, or exposing was a forged, counterfeited, and false Trade Mark, or was the Trade Mark of a Person which had been used without lawful Authority or Excuse, as the Case may be.

Power to Justices to summon Parties refusing to give Information.

Penalty for Refusal 5*l.*

VII. Every Person who, with Intent to defraud or to enable another to defraud, shall put or cause or procure to be put upon any Chattel or Article, or upon any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing, together with which any Chattel or Article shall be intended to be or shall be sold or uttered or exposed for Sale, or for any Purpose of Trade or Manufacture, or upon any Case, Frame, or other Thing in or by means of which any Chattel or Article shall be intended to be or shall be exposed for Sale, any false Description, Statement, or other Indication of or respecting the Number, Quantity, Measure, or Weight of such Chattel or Article, or any Part thereof, or of the Place or Country in which such Chattel or Article shall have been made, manufactured, or produced, or shall put or cause or procure to be put upon any such Chattel or Article, Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or Thing as aforesaid, any Word, Letter, Figure, Signature, or Mark for the Purpose of falsely indicating such Chattel or Article, or the Mode of manufacturing or producing the same, or the Ornamentation, Shape, or Configuration thereof, to be the Subject of any existing Patent, Privilege, or Copyright, shall for every such Offence forfeit and pay to Her Majesty a Sum of Money equal to the Value of the Chattel or Article so sold or uttered or exposed for Sale, and a further Sum not exceeding Five Pounds and not less than Ten Shillings.

Marking any false Indication of Quantity, &c. upon an Article with Intent to defraud, Penalty a Sum equal to the Value of the Article and the further Sum not exceeding 5*l.* and not less than 10*s.*

 VIII. Every

Selling or exposing for Sale after the 31st December 1863 Articles with false Statement of Quantities, &c., Penalty not more than 5*l.* or less than 5*s.*

VIII. Every Person who, after the Thirty-first Day of *December* One thousand eight hundred and sixty-three, shall sell, utter, or expose for Sale or for any Purpose of Trade or Manufacture, or shall cause or procure to be sold, uttered, or exposed for Sale or other Purpose as aforesaid, any Chattel or Article upon which shall have been, to his Knowledge, put, or upon any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing together with which such Chattel or Article shall be sold or uttered or exposed for Sale or other Purpose as aforesaid, shall have been so put, or upon any Case, Frame, or other Thing used or employed to expose or exhibit such Chattel or Article for Sale shall have been so put, any false Description, Statement, or other Indication of or respecting the Number, Quantity, Measure, or Weight of such Chattel or Article or any Part thereof, or the Place or Country in which such Chattel or Article shall have been made, manufactured, or produced, shall for every such Offence forfeit and pay to Her Majesty a Sum not exceeding Five Pounds and not less than Five Shillings.

Proviso that it shall not be an Offence to apply Names or Words known to be used for indicating particular Classes of Manufactures.

IX. Provided always, That the Provisions of this Act shall not be construed so as to make it any Offence for any Person to apply to any Chattel or Article, or to any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing with which such Chattel or Article shall be sold or intended to be sold, any Name, Word, or Expression generally used for indicating such Chattel or Article to be of some particular Class or Description of Manufacture only, or so as to make it any Offence for any Person to sell, utter, or offer or expose for Sale any Chattel or Article to which, or to any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing sold therewith, any such generally used Name, Word, or Expression as aforesaid shall have been applied.

Description of Trade Marks and forged Trade Marks in Indictments, &c.

X. In every Indictment, Pleading, Proceeding, and Document whatsoever in which any Trade Mark shall be intended to be mentioned it shall be sufficient to mention or state the same to be a Trade Mark without further or otherwise describing such Trade Mark, or setting forth any Copy or Fac-simile thereof; and in every Indictment, Pleading, Proceeding, and Document whatsoever in which it shall be intended to mention any forged or counterfeit Trade Mark it shall be sufficient to mention or state the same to be a forged or counterfeit Trade Mark without further or otherwise describing such forged or counterfeit Trade Mark, or setting forth any Copy or Fac-simile thereof.

Conviction

XI. The Provisions in this Act contained of or concerning any

any Act, or any Proceeding, Judgment, or Conviction for any Act hereby declared to be a Misdemeanor or Offence, shall not nor shall any of them take away, diminish, or prejudicially affect any Suit, Process, Proceeding, Right, or Remedy which any Person aggrieved by such Act may be entitled to at Law, in Equity, or otherwise, and shall not nor shall any of them exempt or excuse any Person from answering or making Discovery upon Examination as a Witness or upon Interrogatories, or otherwise, in any Suit or other Civil Proceeding: Provided always, that no Evidence, Statement, or Discovery which any Person shall be compelled to give or make shall be admissible in Evidence against such Person in support of any Indictment for a Misdemeanor at Common Law or otherwise, or of any Proceeding under the Provisions of this Act. not to affect any Right or Civil Remedy.

XII. In every Indictment, Information, Conviction, Pleading, and Proceeding against any Person for any Misdemeanor or other Offence against the Provisions of this Act in which it shall be necessary to allege or mention an Intent to defraud, or to enable another to defraud, it shall be sufficient to allege or mention that the Person accused of having done any Act which is hereby made a Misdemeanor or other Offence did such Act with Intent to defraud, or with Intent to enable some other Person to defraud, without alleging or mentioning an Intent to defraud any particular Person; and on the Trial of any such Indictment or Information for any such Misdemeanor, and on the Hearing of any Information or Charge of or for any such other Offence as aforesaid, and on the Trial of any Action against any Person to recover a Penalty for any such other Offence as aforesaid, it shall not be necessary to prove an Intent to defraud any particular Person, or an Intent to enable any particular Person to defraud any particular Person, but it shall be sufficient to prove with respect to every such Misdemeanor and Offence that the Person accused did the Act charged with Intent to defraud, or with Intent to enable some other Person to defraud, or with the Intent that any other Person might be enabled to defraud. Intent to defraud, &c. any particular Person need not be alleged in an Indictment, &c. or proved.

XIII. Every Person who shall aid, abet, counsel, or procure the Commission of any Offence which is by this Act made a Misdemeanor shall also be guilty of a Misdemeanor. Persons who aid in the Commission of a Misdemeanor to be also guilty.

XIV. Every Person who shall be convicted or found guilty of any Offence which is by this Act made a Misdemeanor shall be liable, at the Discretion of the Court and as the Court shall award, to suffer such Punishment by Imprisonment for not more than Two Years, with or without Hard Labour, or by Fine, or both by Imprisonment with or without Hard Labour and Fine, and Punishment for Misdemeanor

under this Act. and also by Imprisonment until the Fine (if any) shall have been paid and satisfied.

Recovery of Penalties. XV. In every Case in which any Person shall have committed or done any Offence or Act whereby he shall have forfeited or become liable to pay to Her Majesty any of the Penalties or Sums of Money mentioned in the Provisions of this Act, every such Penalty or Sum of Money shall or may be recovered in *England*, *Wales*, or *Ireland* in an Action of Debt, which any Person may as Plaintiff for and on behalf of Her Majesty commence and prosecute to Judgment in any Court of Record, and the Amount of every such Penalty or Sum of Money to be recovered in any such Action shall or may be determined by the Jury (if any) sworn to try any Issue in such Action, and if there shall be no such Jury then by the Court or some other Jury, as the Court shall think fit, or instead of any such Action being commenced such Penalty or Sum of Money shall or may in *England* or *Wales* be recovered by a summary Proceeding before Two Justices of the Peace having Jurisdiction in the County or Place where the Party offending shall reside or have any Place of Business, or in the County or Place in which the Offence shall have been committed; and shall or may in *Ireland* be recovered in like Manner by Civil Bill in the Civil Bill Court of the County or Place in which the Offence was committed, or in which the Offender shall reside or have any Place of Business; and shall or may in *Scotland* be recovered by Action before the Court of Session in ordinary Form or by summary Action before the Sheriff of the County where the Offence shall have been committed or the Offender may reside or have any Place of Business, which Sheriff, upon Proof of the Offence, either by the Confession of the Person offending or by the Oath or Affirmation of One or more credible Witnesses, shall convict the Offender, and find him liable in the Penalty or Penalties aforesaid as also in Expenses; and it shall be lawful for the Sheriff in pronouncing such Judgment for the Penalty or Penalties and Costs to insert in such Judgment a Warrant in the event of such Penalty or Penalties and Costs not being paid to levy and recover the Amount of the same by Poinding: Provided always, that it shall be lawful to the Sheriff, in the event of his dismissing the Action and assoilzing the Defender, to find the Complainer liable in Expenses, and any Judgment so to be pronounced by the Sheriff in such summary Action shall be final and conclusive, and not subject to Review by Advocation, Suspension, Reduction, or otherwise.

Summary Proceedings be- XVI. In every Case in which any such Penalty or Sum of Money forfeited to Her Majesty as herein-before mentioned shall

shall be sought to be recovered by a summary Proceeding before Two Justices of the Peace, the Offence or Act by the committing or doing of which such Penalty or Sum of Money shall have been so forfeited shall be and be deemed to be an Offence and Act within the Meaning of a Statute passed in the Twelfth Year of the Reign of Her present Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders;* and the Information, Conviction of the Offender, and other Proceedings for the Recovery of the Penalty or Sum so forfeited shall be had according to the Provisions of the said Act.

fore Justices to be within 11 & 12 Vict. c. 43.

XVII. In every Case in which Judgment shall be obtained in any such Action as aforesaid for the Amount of any such Penalty or Sum of Money forfeited to Her Majesty, the Amount thereof shall be paid by the Defendant to the Sheriff or the Officer of the Court, who shall account for the same in like Manner as other Monies payable to Her Majesty, and, if it be not paid, may be recovered, or the Amount thereof levied, or the Payment thereof enforced, by Execution or other proper Proceeding, as Money due to Her Majesty; and the Plaintiff suing on behalf of Her Majesty, upon obtaining Judgment, shall be entitled to recover and have Execution for all his Costs of Suit, which shall include a full Indemnity for all Costs and Charges which he shall or may have expended or incurred in, about, or for the Purposes of the Action, unless the Court, or a Judge thereof, shall direct that Costs of the Ordinary Amount only shall be allowed.

In Actions Penalties to be accounted for in like Manner as other Monies payable to the Crown, and Plaintiffs to recover full Costs of Suit.

XVIII. No Person shall commence any Action or Proceeding for the Recovery of any Penalty, or procuring the Conviction of any Offender in manner herein-before provided, after the Expiration of Three Years next after the committing of the Offence, or One Year next after the first Discovery thereof by the Person proceeding.

Limitations of Actions, &c.

XIX. In every Case in which at any Time after the Thirty-first Day of *December* One thousand eight hundred and sixty-three any Person shall sell or contract to sell (whether by Writing or not) to any other Person any Chattel or Article with any Trade Mark thereon, or upon any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing together with which such Chattel or Article shall be sold or contracted to be sold, the Sale or Contract to sell shall in every such Case be deemed to have been made with a Warranty or Contract by the Vendor to or with the Vendee that every Trade Mark upon such Chattel or Article, or upon any such Cask, Bottle,

After 31st December 1863 Vendor of an Article with a Trade Mark to be deemed to contract that the Mark is genuine.

Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing as aforesaid, was genuine and true, and not forged or counterfeit, and not wrongfully used, unless the contrary shall be expressed in some Writing signed by or on behalf of the Vendor, and delivered to and accepted by the Vendee.

After 31st December 1863 Vendor of an Article with Description upon it of its Quantity to be deemed to contract that the Description was true.

XX. In every Case in which at any Time after the Thirty-first Day of *December* One thousand eight hundred and sixty-three any Person shall sell or contract to sell (whether by Writing or not) to any other Person any Chattel or Article upon which, or upon any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing together with which such Chattel or Article shall be sold or contracted to be sold, any Description, Statement, or other Indication of or respecting the Number, Quantity, Measure, or Weight of such Chattel or Article, or the Place or Country in which such Chattel or Article shall have been made, manufactured, or produced, the Sale or Contract to sell shall in every such Case be deemed to have been made with a Warranty or Contract by the Vendor to or with the Vendee that no such Description, Statement, or other Indication was in any material respect false or untrue, unless the contrary shall be expressed in some Writing signed by or on behalf of the Vendor, and delivered to and accepted by the Vendee.

In Suits at Law or in Equity against Persons for using forged Trade Marks, Court may order Article to be destroyed, and may award Injunction, &c.

XXI. In every Case in any Suit at Law or in Equity against any Person for forging or counterfeiting any Trade Mark, or for fraudulently applying any Trade Mark, to any Chattel or Article, or for selling, exposing for Sale, or uttering any Chattel or Article with any Trade Mark falsely or wrongfully applied thereto, or with any forged or counterfeit Trade Mark applied thereto, or for preventing the Repetition or Continuance of any such wrongful Act, or the Committal of any similar Act, in which the Plaintiff shall obtain a Judgment or Decree against the Defendant, the Court shall have Power to direct every such Chattel and Article to be destroyed or otherwise disposed of; and in every such Suit in a Court of Law the Court shall or may upon giving Judgment for the Plaintiff award a Writ of Injunction or Injunctions to the Defendant commanding him to forbear from committing and not by himself or otherwise to repeat or commit any Offence or wrongful Act of the like Nature as that of which he shall or may have been convicted by such Judgment, and any Disobedience of any such Writ of Injunction or Injunctions shall be punished as a Contempt of Court; and in every such Suit at Law or in Equity it shall be lawful for the Court or a Judge thereof to make such Order as such Court or Judge

Judge shall think fit for the Inspection of every or any Manufacture or Process carried on by the Defendant in which any such forged or counterfeit Trade Mark, or any such Trade Mark as aforesaid, shall be alleged to be used or applied as aforesaid, and of every or any Chattel, Article, and Thing in the Possession or Power of the Defendant alleged to have thereon or in any way attached thereto any forged or counterfeit Trade Mark, or any Trade Mark falsely or wrongfully applied, and every or any Instrument in the Possession or Power of the Defendant used or intended to be or capable of being used for producing or making any forged or counterfeit Trade Mark, or Trade Mark alleged to be forged or counterfeit, or for falsely or wrongfully applying any Trade Mark; and any Person who shall refuse or neglect to obey any such Order shall be guilty of a Contempt of Court.

Persons aggrieved by Forgeries may recover Damages against the guilty Parties.

XXII. In every Case in which any Person shall do or cause to be done any of the wrongful Acts following; (that is to say,) shall forge or counterfeit any Trade Mark; or for the Purpose of Sale, or for the Purpose of any Manufacture or Trade, shall apply any forged or counterfeit Trade Mark to any Chattel or Article, or to any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or Thing in or with which any Chattel or Article shall be intended to be sold or shall be sold or uttered or Exposed for Sale, or for any Purpose of Trade or Manufacture; or shall inclose or place any Chattel or Article in, upon, under, or with any Cask, Bottle, Stopper, Vessel, Case, Cover, Wrapper, Band, Reel, Ticket, Label, or other Thing to which any Trade Mark shall have been falsely applied, or to which any forged or counterfeit Trade Mark shall have been applied; or shall apply or attach to any Chattel or Article, any Case, Cover, Reel, Wrapper, Band, Ticket, Label, or other Thing to which any Trade Mark shall have been falsely applied, or to which any forged or counterfeit Trade Mark shall have been applied; or shall inclose, place, or attach any Chattel or Article in, upon, under, with, or to any Cask, Bottle, Stopper, Vessel, Case, Cover, Reel, Wrapper, Band, Ticket, Label, or other Thing having thereon any Trade Mark of any other Person; every Person aggrieved by any such wrongful Act shall be entitled to maintain an Action or Suit for Damages in respect thereof against the Person who shall be guilty of having done such Act or causing or procuring the same to be done, and for preventing the Repetition or Continuance of the wrongful Act, and the Committal of any similar Act.

Defendant obtaining

XXIII. In every Action which any Person shall under the Provisions

a Verdict to have full Indemnity for Costs.

Provisions of this Act commence as Plaintiff for or on behalf of Her Majesty for recovering any Penalty or Sum of Money, if the Defendant shall obtain Judgment, he shall be entitled to recover his Costs of Suit, which shall include a full Indemnity for all the Costs, Charges, and Expenses by him expended or incurred in, about, or for the Purposes of the Action, unless the Court or a Judge thereof shall direct that Costs of the ordinary Amount only shall be allowed.

A Plaintiff suing for a Penalty may be compelled to give Security for Costs.

XXIV. In any Action which any Person shall, under the Provisions of this Act, commence as Plaintiff for or on behalf of Her Majesty for recovering any Penalty or Sum of Money, if it shall be shown to the Satisfaction of the Court or a Judge thereof that the Person suing as Plaintiff for or on behalf of Her Majesty has no Ground for alleging that he has been aggrieved by the committing of the alleged Offence in respect of which the Penalty or Sum of Money is alleged to have become payable, and also that the Person so suing as Plaintiff is not resident within the Jurisdiction of the Court, or not a Person of sufficient Property to be able to pay any Costs which the Defendant may recover in the Action, the Court or Judge shall or may order that the Plaintiff shall give Security by the Bond or Recognizance of himself and a Surety, or by the Deposit of a Sum of Money, or otherwise, as the Court or Judge shall think fit, for the Payment to the Defendant of any Costs which he may be entitled to recover in the Action.

Act not to affect the Corporation of Cutlers of Hallamshire, nor to repeal 59 G. 3. c. 7.

XXV. Nothing in this Act contained shall be construed to affect the Rights and Privileges of the Corporation of Cutlers of the Liberty of *Hallamshire* in the County of *York*, nor shall anything in this Act contained be construed in any way to repeal or make void any of the Provisions contained in the Fifty-ninth *George* Third, Chapter Seven, intituled *An Act to regulate the Cutlery Trade in* England.

Short Title.

XXVI. The Expression "The Merchandise Marks Act, 1862," shall be a sufficient Description of this Act.

CAP. LXXXIX.

An Act for the Incorporation, Regulation, and Winding-up of Trading Companies and other Associations.—[*7th* August 1862.]

WHEREAS it is expedient that the Laws relating to the Incorporation, Regulation, and Winding-up of Trading Companies and other Associations should be consolidated and amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title.

I. This Act may be cited for all Purposes as "The Companies Act, 1862"

Commencement of Act.

II. This Act, with the Exception of such temporary Enactment as is herein-after declared to come into operation immediately, shall not come into operation until the Second Day of *November* One thousand eight hundred and sixty-two, and the Time at which it so comes into operation is herein-after referred to as the Commencement of this Act.

Definition of Insurance Company.

III. For the Purposes of this Act a Company that carries on the Business of Insurance in common with any other Business or Businesses shall be deemed to be an Insurance Company.

Prohibition of Partnerships exceeding certain Number.

IV. No Company, Association, or Partnership consisting of more than Ten Persons shall be formed, after the Commencement of this Act, for the Purpose of carrying on the Business of Banking, unless it is registered as a Company under this Act, or is formed in pursuance of some other Act of Parliament, or of Letters Patent; and no Company, Association, or Partnership consisting of more than Twenty Persons shall be formed,

formed, after the Commencement of this Act, for the Purpose of carrying on any other Business that has for its Object the Acquisition of Gain by the Company, Association, or Partnership, or by the individual Members thereof, unless it is registered as a Company under this Act, or is formed in pursuance of some other Act of Parliament, or of Letters Patent, or is a Company engaged in working Mines within and subject to the Jurisdiction of the Stannaries.

Division of Act.

V. This Act is divided into Nine Parts, relating to the following Subject Matters:

The First Part,—to the Constitution and Incorporation of Companies and Associations under this Act:

The Second Part,—to the Distribution of the Capital and Liability of Members of Companies and Associations under this Act:

The Third Part,—to the Management and Administration of Companies and Associations under this Act:

The Fourth Part,—to the winding up of Companies and Associations under this Act:

The Fifth Part,—to the Registration Office:

The Sixth Part,—to Application of this Act to Companies registered under the Joint Stock Companies Acts:

The Seventh Part,—to Companies authorized to register under this Act:

The Eighth Part,—to Application of this Act to unregistered Companies:

The Ninth Part,—to Repeal of Acts, and temporary Provisions.

PART I.

Constitution and Incorporation of Companies and Associations under this Act.

Memorandum of Association.

Mode of forming Company.

VI. Any Seven or more Persons associated for any lawful Purpose may, by subscribing their Names to a Memorandum of Association, and otherwise complying with the Requisitions of this Act in respect of Registration, form an incorporated Company, with or without limited Liability.

VII. The

VII. The Liability of the Members of a Company formed under this Act may, according to the Memorandum of Association, be limited either to the Amount, if any, unpaid on the Shares respectively held by them, or to such Amount as the Members may respectively undertake by the Memorandum of Association to contribute to the Assets of the Company in the event of its being wound up. Mode of limiting Liability of Members.

VIII. Where a Company is formed on the Principle of having the Liability of its Members limited to the Amount unpaid on their Shares, herein-after referred to as a Company limited by Shares, the Memorandum of Association shall contain the following Things; (that is to say,) Memorandum of Association of a Company limited by Shares.

(1.) The Name of the proposed Company, with the Addition of the Word "Limited" as the last Word in such Name:

(2.) The Part of the United Kingdom, whether *England*, *Scotland*, or *Ireland*, in which the registered Office of the Company is proposed to be situate:

(3.) The Objects for which the proposed Company is to be established:

(4.) A Declaration that the Liability of the Members is limited:

(5.) The Amount of Capital with which the Company proposes to be registered divided into Shares of a certain fixed Amount:

Subject to the following Regulations:

(1.) That no Subscriber shall take less than One Share:

(2.) That each Subscriber of the Memorandum of Association shall write opposite to his Name the Number of Shares he takes.

IX. Where a Company is formed on the Principle of having the Liability of its Members limited to such Amount as the Members respectively undertake to contribute to the Assets of the Company in the event of the same being wound up, herein-after referred to as a Company limited by Guarantee, the Memorandum of Association shall contain the following Things; (that is to say,) Memorandum of Association of a Company limited by Guarantee.

(1.) The Name of the proposed Company, with the Addition of the Word "Limited" as the last Word in such Name:

(2.) The Part of the United Kingdom, whether *England*, *Scotland*, or *Ireland*, in which the registered Office of the Company is proposed to be situate:

(3.) The

(3.) The Objects for which the proposed Company is to be established:

(4.) A Declaration that each Member undertakes to contribute to the Assets of the Company, in the event of the same being wound up, during the Time that he is a Member, or within One Year afterwards, for Payment of the Debts and Liabilities of the Company contracted before the Time at which he ceases to be a Member, and of the Costs, Charges, and Expenses of winding up the Company, and for the Adjustment of the Rights of the Contributories amongst themselves, such Amount as may be required, not exceeding a specified Amount.

Memorandum of Association of an Unlimited Company.

X. Where a Company is formed on the Principle of having no Limit placed on the Liability of its Members, hereinafter referred to as an Unlimited Company, the Memorandum of Association shall contain the following Things; (that is to say,)

(1.) The Name of the proposed Company:

(2.) The Part of the United Kingdom, whether *England*, *Scotland*, or *Ireland*, in which the registered Office of the Company is proposed to be situate:

(3.) The Objects for which the proposed Company is to be established.

Stamp, Signature, and Effect of Memorandum of Association.

XI. The Memorandum of Association shall bear the same Stamp as if it were a Deed, and shall be signed by each Subscriber in the Presence of, and be attested by, One Witness at the least, and that Attestation shall be a sufficient Attestation in *Scotland* as well as in *England* and *Ireland*: It shall, when registered, bind the Company and the Members thereof to the same Extent as if each Member had subscribed his Name and affixed his Seal thereto, and there were in the Memorandum contained, on the Part of himself, his Heirs, Executors, and Administrators, a Covenant to observe all the Conditions of such Memorandum, subject to the Provisions of this Act.

Power of certain Companies to alter Memorandum of Association.

XII. Any Company limited by Shares may so far modify the Conditions contained in its Memorandum of Association, if authorized to do so by its Regulations as originally framed, or as altered by special Resolution in manner herein-after mentioned, as to increase its Capital, by the Issue of new Shares of such Amount as it thinks expedient, or to consolidate and divide its Capital into Shares of larger Amount than its existing Shares, or to convert its paid-up Shares into Stock, but, save as aforesaid, and save as is herein-after provided in the Case of a Change of Name, no Alteration shall be made by any Company in the Conditions contained in its Memorandum of Association.

XIII. Any

XIII. Any Company under this Act, with the Sanction of a special Resolution of the Company passed in manner hereinafter mentioned, and with the Approval of the Board of Trade testified in Writing under the Hand of One of its Secretaries or Assistant Secretaries, may change its Name, and upon such Change being made the Registrar shall enter the new Name on the Register in the Place of the former Name, and shall issue a Certificate of Incorporation altered to meet the Circumstances of the Case; but no such Alteration of Name shall affect any Rights or Obligations of the Company, or render defective any legal Proceedings instituted or to be instituted by or against the Company, and any legal Proceedings may be continued or commenced against the Company by its new Name that might have been continued or commenced against the Company by its former Name. Power of Companies to change Name.

Articles of Association.

XIV. The Memorandum of Association may, in the Case of a Company limited by Shares, and shall, in the Case of a Company limited by Guarantee or unlimited, be accompanied, when registered, by Articles of Association signed by the Subscribers to the Memorandum of Association, and prescribing such Regulations for the Company as the Subscribers to the Memorandum of Association deem expedient: The Articles shall be expressed in separate Paragraphs, numbered arithmetically: They may adopt all or any of the Provisions contained in the Table marked A. in the First Schedule hereto: They shall, in the Case of a Company, whether limited by Guarantee or unlimited, that has a Capital divided into Shares, state the Amount of Capital with which the Company proposes to be registered; and in the Case of a Company, whether limited by Guarantee or unlimited, that has not a Capital divided into Shares, state the Number of Members with which the Company proposes to be registered, for the Purpose of enabling the Registrar to determine the Fees payable on Registration: In a Company limited by Guarantee or unlimited, and having a Capital divided into Shares, each Subscriber shall take One Share at the least, and shall write opposite to his Name in the Memorandum of Association the Number of Shares he takes. Regulations to be prescribed by Articels of Association.

XV. In the Case of a Company limited by Shares, if the Memorandum of Association is not accompanied by Articles of Association, or in so far as the Articles do not exclude or modify the Regulations contained in the Table marked A. in the First Schedule hereto, the last-mentioned Regulations shall, so far as the same are applicable, be deemed to be the Regulations Application of Table A.

tions of the Company in the same Manner and to the same Extent as if they had been inserted in Articles of Association, and the Articles had been duly registered.

Stamp, Signature, and Effect of Articles of Association.

XVI. The Articles of Association shall be printed, they shall bear the same Stamp as if they were contained in a Deed, and shall be signed by each Subscriber in the Presence of, and be attested by, One Witness at the least, and such Attestation shall be a sufficient Attestation in *Scotland* as well as in *England* and *Ireland*: When registered they shall bind the Company and the Members thereof to the same Extent as if each Member had subscribed his Name and affixed his Seal thereto, and there were in such Articles contained a Covenant on the Part of himself, his Heirs, Executors, and Administrators, to conform to all the Regulations contained in such Articles, subject to the Provisions of this Act; and all Monies payable by any Member to the Company, in pursuance of the Conditions and Regulations of the Company, or any of such Conditions or Regulations, shall be deemed to be a Debt due from such Member to the Company, and in *England* and *Ireland* to be in the Nature of a Specialty Debt.

General Provisions.

Registration of Memorandum of Association and Articles of Association, with Fees as in Table B.

XVII. The Memorandum of Association and the Articles of Association, if any, shall be delivered to the Registrar of Joint Stock Companies herein-after mentioned, who shall retain and register the same: There shall be paid to the Registrar by a Company having a Capital divided into Shares, in respect of the several Matters mentioned in the Table marked B. in the First Schedule hereto, the several Fees therein specified, or such smaller Fees as the Board of Trade may from Time to Time direct; and by a Company not having a Capital divided into Shares, in respect of the several Matters mentioned in the Table marked C. in the First Schedule hereto, the several Fees therein specified, or such smaller Fees as the Board of Trade may from Time to Time direct: All Fees paid to the said Registrar in pursuance of this Act shall be paid into the Receipt of Her Majesty's Exchequer, and be carried to the Account of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Effect of Registration.

XVIII. Upon the Registration of the Memorandum of Association, and of the Articles of Association in Cases where Articles of Association are required by this Act or by the Desire of the Parties to be registered, the Registrar shall certify under his Hand that the Company is incorporated, and in the Case of a Limited Company that the Company is limited: The Subscribers of the Memorandum of Association, together with

with such other Persons as may from Time to Time become Members of the Company, shall thereupon be a Body Corporate by the Name contained in the Memorandum of Association, capable forthwith of exercising all the Functions of an incorporated Company, and having perpetual Succession and a Common Seal, with Power to hold Lands, but with such Liability on the Part of the Members to contribute to the Assets of the Company in the event of the same being wound up as is herein-after mentioned: A Certificate of the Incorporation of any Company given by the Registrar shall be conclusive Evidence that all the Requisitions of this Act in respect of Registration have been complied with.

Copies of Memorandum and Articles to be given to Members.

XIX. A Copy of the Memorandum of Association, having annexed thereto the Articles of Association, if any, shall be forwarded to every Member, at his Request, on Payment of the Sum of One Shilling or such less Sum as may be prescribed by the Company for each Copy; and if any Company makes default in forwarding a Copy of the Memorandum of Association and Articles of Association, if any, to a Member, in pursuance of this Section, the Company so making default shall for each Offence incur a Penalty not exceeding One Pound.

Prohibition against Identity of Names in Companies.

XX. No Company shall be registered under a Name identical with that by which a subsisting Company is already registered, or so nearly resembling the same as to be calculated to deceive, except in a Case where such subsisting Company is in the Course of being dissolved and testifies its Consent in such Manner as the Registrar requires; and if any Company, through Inadvertence or otherwise, is, without such Consent as aforesaid, registered by a Name identical with that by which a subsisting Company is registered, or so nearly resembling the same as to be calculated to deceive, such first-mentioned Company may, with the Sanction of the Registrar, change its Name, and upon such Change being made the Registrar shall enter the new Name on the Register in the Place of the former Name, and shall issue a Certificate of Incorporation altered to meet the Circumstances of the Case; but no such Alteration of Name shall affect any Rights or Obligations of the Company, or render defective any legal Proceedings instituted or to be instituted by or against the Company, and any legal Proceedings may be continued or commenced against the Company by its new Name that might have been continued or commenced against the Company by its former Name.

Prohibition against certain Companies holding Land.

XXI. No Company formed for the Purpose of promoting Art, Science, Religion, Charity, or any other like Object, not involving the Acquisition of Gain by the Company or by the individual Members thereof, shall, without the Sanction of the Board

Board of Trade, hold more than Two Acres of Land; but the Board of Trade may, by Licence under the Hand of One of their Principal Secretaries or Assistant Secretaries, empower any such Company to hold Lands in such Quantity and subject to such Conditions as they think fit.

PART II.

Distribution of Capital and Liability of Members of Companies and Associations under this Act.

Distribution of Capital.

Nature of Interest in Company.

XXII. The Shares or other Interest of any Member in a Company under this Act shall be Personal Estate, capable of being transferred in manner provided by the Regulations of the Company, and shall not be of the Nature of Real Estate, and each Share shall, in the Case of a Company having a Capital divided into Shares, be distinguished by its appropriate Number.

Definition of "Member."

XXIII. The Subscribers of the Memorandum of Association of any Company under this Act shall be deemed to have agreed to become Members of the Company whose Memorandum they have subscribed, and upon the Registration of the Company shall be entered as Members on the Register of Members herein-after mentioned; and every other Person who has agreed to become a Member of a Company under this Act, and whose Name is entered on the Register of Members, shall be deemed to be a Member of the Company.

Transfer by Personal Representative.

XXIV. Any Transfer of the Share or other Interest of a deceased Member of a Company under this Act, made by his Personal Representative, shall, notwithstanding such Personal Representative may not himself be a Member, be of the same Validity as if he had been a Member at the Time of the Execution of the Instrument of Transfer.

Register of Members.

XXV. Every Company under this Act shall cause to be kept in One or more Books a Register of its Members, and there shall be entered therein the following Particulars:

(1.) The Names and Addresses, and the Occupations, if any, of the Members of the Company, with the Addition, in the case of a Company having a Capital divided into Shares, of a Statement of the Shares held by each Member, distinguishing each Share by its Number: And of the Amount paid or agreed to be considered as paid on the Shares of each Member:

(2.) The Date at which the Name of any Person was entered in the Register as a Member:

(3.) The Date at which any Person ceased to be a Member:

And

And any Company acting in contravention of this Section shall incur a Penalty not exceeding Five Pounds for every Day during which its Default in complying with the Provisions of this Section continues, and every Director or Manager of the Company who shall knowingly and wilfully authorize or permit such Contravention shall incur the like Penalty.

Annual List of Members.

XXVI. Every Company under this Act, and having a Capital divided into Shares, shall make, once at least in every Year, a List of all Persons who, on the Fourteenth Day succeeding the Day on which the Ordinary General Meeting, or if there is more than One Ordinary Meeting in each Year, the First of such Ordinary General Meetings is held, are Members of the Company; and such List shall state the Names, Addresses, and Occupations of all the Members therein mentioned, and the Number of Shares held by each of them, and shall contain a Summary specifying the following Particulars:

(1.) The Amount of the Capital of the Company, and the Number of Shares into which it is divided:
(2.) The Number of Shares taken from the Commencement of the Company up to the Date of the Summary:
(3.) The Amount of Calls made on each Share:
(4.) The Total Amount of Calls received:
(5.) The total Amount of Calls unpaid:
(6.) The total Amount of Shares forfeited:
(7.) The Names, Addresses, and Occupations of the Persons who have ceased to be Members since the last List was made, and the Number of Shares held by each of them.

The above List and Summary shall be contained in a separate Part of the Register, and shall be completed within Seven Days after such Fourteenth Day as is mentioned in this Section, and a Copy shall forthwith be forwarded to the Registrar of Joint Stock Companies.

Penalty on Company, &c. not keeping a proper Register.

XXVII. If any Company under this Act, and having a Capital divided into Shares, makes default in complying with the Provisions of this Act with respect to forwarding such List of Members or Summary as is herein-before mentioned to the Registrar, such Company shall incur a Penalty not exceeding Five Pounds for every Day during which such default continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such Default shall incur the like Penalty.

Company to give Notice of Consolidation or of Conver-

XXVIII. Every Company under this Act, having a Capital divided into Shares, that has consolidated and divided its Capital into Shares of larger Amount than its existing Shares, or converted any Portion of its Capital into Stock, shall give Notice

sion of Capital into Stock.

Notice to the Registrar of Joint Stock Companies of such Consolidation, Division, or Conversion, specifying the Shares so consolidated, divided, or converted.

Effect of Conversion of Shares into Stock.

XXIX. Where any Company under this Act, and having a Capital divided into Shares, has converted any Portion of its Capital into Stock, and given Notice of such Conversion to the Registrar, all the Provisions of this Act which are applicable to Shares only shall cease as to so much of the Capital as is converted into Stock; and the Register of Members hereby required to be kept by the Company, and the List of Members to be forwarded to the Registrar, shall show the Amount of Stock held by each Member in the List instead of the Amount of Shares and the Particulars relating to Shares herein-before required.

Entry of Trusts on Register.

XXX. No Notice of any Trust, expressed, implied, or constructive, shall be entered on the Register, or be receivable by the Registrar, in the Case of Companies under this Act and registered in *England* or *Ireland*.

Certificate of Shares or Stock.

XXXI. A Certificate, under the Common Seal of the Company, specifying any Share or Shares of Stock held by any Member of a Company, shall be *primâ facie* Evidence of the Title of the Member to the Share or Shares or Stock therein specified.

Inspection of Register.

XXXII. The Register of Members, commencing from the Date of the Registration of the Company, shall be kept at the registered Office of the Company herein-after mentioned: Except when closed as herein-after mentioned, it shall during Business Hours, but subject to such reasonable Restrictions as the Company in General Meeting may impose, so that not less than Two Hours in each Day be appointed for Inspection, be open to the Inspection of any Member gratis, and to the Inspection of any other Person on the Payment of One Shilling, or such less Sum as the Company may prescribe, for each Inspection; and every such Member or other Person may require a Copy of such Register, or of any Part thereof, or of such List or Summary of Members as is herein-before mentioned, on Payment of Sixpence for every Hundred Words required to be copied: If such Inspection or Copy is refused, the Company shall incur for each Refusal a Penalty nor exceeding Two Pounds, and a further Penalty not exceeding Two Pounds for every Day during which such Refusal continues, and every Director and Manager of the Company who shall knowingly authorize or permit such Refusal shall incur the like Penalty; and in addition to the above Penalty, as respects Companies registered in *England* and *Ireland*, any Judge sitting in Chambers, or the Vice Warden of the Stannaries, in the Case of Companies

Companies subject to his Jurisdiction, may by Order compel an immediate Inspection of the Register.

Power to close Register.

XXXIII. Any Company under this Act may, upon giving Notice by Advertisement in some Newspaper circulating in the District in which the registered Office of the Company is situated, close the Register of Members for any Time or Times not exceeding in the whole Thirty Days in each Year.

Notice of Increase of Capital and of Members to be given to Registrar.

XXXIV. Where a Company has a Capital divided into Shares, whether such Shares may or may not have been converted into Stock, Notice of any Increase in such Capital beyond the registered Capital, and where a Company has not a Capital divided into Shares, Notice of any Increase in the Number of Members beyond the registered Number, shall be given to the Registrar in the Case of an Increase of Capital, within Fifteen Days from the Date of the passing of the Resolution by which such Increase has been authorized, and in the Case of an Increase of Members within Fifteen Days from the Time at which such Increase of Members has been resolved on or has taken place, and the Registrar shall forthwith record the Amount of such Increase of Capital or Members: If such Notice is not given within the Period aforesaid the Company in default shall incur a Penalty not exceeding Five Pounds for every Day during which such Neglect to give Notice continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such Default shall incur the like Penalty.

Remedy for improper Entry or Omission of Entry in Register.

XXXV. If the Name of any Person is, without sufficient Cause, entered in or omitted from the Register of Members of any Company under this Act, or if Default is made or unnecessary Delay takes place in entering on the Register the Fact of any Person having ceased to be a Member of the Company, the Person or Member aggrieved, or any Member of the Company, or the Company itself, may, as respects Companies registered in *England* or *Ireland*, by motion in any of Her Majesty's Superior Courts of Law or Equity, or by Application to a Judge sitting in Chambers, or to the Vice Warden of the Stannaries in the Case of Companies subject to his Jurisdiction, and as respects Companies registered in *Scotland* by summary Petition to the Court of Session, or in such other Manner as the said Courts may direct, apply for an Order of the Court that the Register may be rectified; and the Court may either refuse such Application, with or without Costs, to be paid by the Applicant, or it may, if satisfied of the Justice of the Case, make an Order for the Rectification of the Register, and may direct the Company to pay all the Costs of such Motion, Application, or Petition, and any Damages the Party

Party aggrieved may have sustained: The Court may in any Proceeding under this Section decide on any Question relating to the Title of any Person who is a Party to such Proceeding to have his Name entered in or omitted from the Register, whether such Question arises between Two or more Members or alleged Members, or between any Members or alleged Members and the Company, and generally the Court may in any such Proceeding decide any Question that it may be necessary or expedient to decide for the Rectification of the Register; provided that the Court, if a Court of Common Law, may direct an Issue to be tried, in which any Question of Law may be raised, and a Writ of Error or Appeal, in the Manner directed by "The Common Law Procedure Act, 1854," shall lie.

Notice to Registrar of Rectification of Register.

XXXVI. Whenever any Order has been made rectifying the Register, in the Case of a Company hereby required to send a List of its Members to the Registrar, the Court shall, by its Order, direct that due Notice of such Rectification be given to the Registrar.

Register to be Evidence.

XXXVII. The Register of Members shall be *primâ facie* Evidence of any Matters by this Act directed or authorized to be inserted therein.

Liability of Members.

Liability of present and past Members of Company.

XXXVIII. In the event of a Company formed under this Act being wound up, every present and past Member of such Company shall be liable to contribute to the Assets of the Company to an Amount sufficient for Payment of the Debts and Liabilities of the Company, and the Costs, Charges, and Expenses of the Winding-up, and for the Payment of such Sums as may be required for the Adjustment of the Rights of the Contributories amongst themselves, with the Qualifications following; (that is to say,)

(1.) No past Member shall be liable to contribute to the Assets of the Company if he has ceased to be a Member for a Period of One Year or upwards prior to the Commencement of the Winding-up:

(2.) No past Member shall be liable to contribute in respect of any Debt or Liability of the Company contracted after the Time at which he ceased to be a Member:

(3.) No past Member shall be liable to contribute to the Assets of the Company unless it appears to the Court that the existing Members are unable to satisfy the Contributions required to be made by them in pursuance of this Act:

(4.) In

(4.) In the Case of a Company limited by Shares, no Contribution shall be required from any Member exceeding the Amount, if any, unpaid on the Shares in respect of which he is liable as a present or past Member:

(5.) In the Case of a Company limited by Guarantee, no Contribution shall be required from any Member exceeding the Amount of the Undertaking entered into on his Behalf by the Memorandum of Association:

(6.) Nothing in this Act contained shall invalidate any Provision contained in any Policy of Insurance or other Contract whereby the Liability of individual Members upon any such Policy or Contract is restricted, or whereby the Funds of the Company are alone made liable in respect of such Policy or Contract:

(7.) No Sum due to any Member of a Company, in his Character of a Member, by way of Dividends, Profits, or otherwise, shall be deemed to be a Debt of the Company, payable to such Member in a Case of Competition between himself and any other Creditor not being a Member of the Company; but any such Sum may be taken into account, for the Purposes of the final Adjustment of the Rights of the Contributories amongst themselves.

PART III.

MANAGEMENT AND ADMINISTRATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Provisions for Protection of Creditors.

Registered Office of Company.

XXXIX. Every Company under this Act shall have a registered Office to which all Communications and Notices may be addressed: If any Company under this Act carries on Business without having such an Office, it shall incur a Penalty not exceeding Five Pounds for every Day during which Business is so carried on.

Notice of Situation of registered Office.

XL. Notice of the Situation of such registered Office, and of any Change therein, shall be given to the Registrar, and recorded by him: Until such Notice is given the Company shall not be deemed to have complied with the Provisions of this Act with respect to having a registered Office.

Publication of Name by a Limited Company.

XLI. Every Limited Company under this Act, whether limited by Shares or by Guarantee, shall paint or affix, and shall keep painted or affixed, its Name on the Outside of every Office or Place in which the Business of the Company is carried on, in

in a conspicuous Position, in Letters easily legible, and shall have its Name engraven in legible Characters on its Seal, and shall have its Name mentioned in legible Characters in all Notices, Advertisements, and other official Publications of such Company, and in all Bills of Exchange, Promissory Notes, Endorsements, Cheques, and Orders for Money or Goods purporting to be signed by or on behalf of such Company, and in all Bills of Parcels, Invoices, Receipts, and Letters of Credit of the Company.

Penalties on Non-publication of Name.

XLII. If any Limited Company under this Act does not paint or affix, and keep painted or affixed, its Name in manner directed by this Act, it shall be liable to a Penalty not exceeding Five Pounds for not so painting or affixing its Name, and for every Day during which such Name is not so kept painted or affixed, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such Default shall be liable to the like Penalty; and if any Director, Manager, or Officer of such Company, or any Person on its Behalf, uses or authorizes the Use of any Seal purporting to be a Seal of the Company whereon its Name is not so engraven as aforesaid, or issues or authorizes the Issue of any Notice, Advertisement, or other official Publication of such Company, or signs or authorizes to be signed on behalf of such Company any Bill of Exchange, Promissory Note, Endorsement, Cheque, Order for Money or Goods, or issues or authorizes to be issued any Bill of Parcels, Invoice, Receipt, or Letter of Credit of the Company, wherein its Name is not mentioned in manner aforesaid, he shall be liable to a Penalty of Fifty Pounds, and shall further be personally liable to the Holder of any such Bill of Exchange, Promissory Note, Cheque, or Order for Money or Goods, for the Amount thereof, unless the same is duly paid by the Company.

Register of Mortgages.

XLIII. Every Limited Company under this Act shall keep a Register of all Mortgages and Charges specifically affecting Property of the Company, and shall enter in such Register in respect of each Mortgage or Charge a short Description of the Property mortgaged or charged, the Amount of Charge created, and the Names of the Mortgagees or Persons entitled to such Charge: If any Property of the Company is mortgaged or charged without such Entry as aforesaid being made, every Director, Manager, or other Officer of the Company who knowingly and wilfully authorizes or permits the Omission of such Entry shall incur a Penalty not exceeding Fifty Pounds: The Register of Mortgages required by this Section shall be open to Inspection by any Creditor or Member of the Company at all reasonable Times; and if such Inspection is refused, any Officer of the Company refusing the same, and every Director and Manager

Manager of the Company authorizing or knowingly and wilfully permitting such Refusal, shall incur a Penalty not exceeding Five Pounds, and a further Penalty not exceeding Two Pounds for every Day during which such Refusal continues; and in addition to the above Penalty, as respects Companies registered in *England* and *Ireland*, any Judge sitting in Chambers, or the Vice Warden of the Stannaries in the Case of Companies subject to his Jurisdiction, may by Order compel an immediate Inspection of the Register.

Certain Companies to publish Statement entered in Schedule.

XLIV. Every Limited Banking Company and every Insurance Company, and Deposit, Provident, or Benefit Society under this Act shall, before it commences Business, and also on the First *Monday* in *February* and the First *Monday* in *August* in every Year during which it carries on Business, make a Statement in the Form marked D. in the First Schedule hereto, or as near thereto as Circumstances will admit, and a Copy of such Statement shall be put up in a conspicuous Place in the registered Office of the Company, and in every Branch Office or Place where the Business of the Company is carried on, and if Default is made in compliance with the Provisions of this Section the Company shall be liable to a Penalty not exceeding Five Pounds for every Day during which such Default continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such Default shall incur the like Penalty.

Every Member and every Creditor of any Company mentioned in this Section shall be entitled to a Copy of the abovementioned Statement on Payment of a Sum not exceeding Sixpence.

List of Directors to be sent to Registrar.

XLV. Every Company under this Act, and not having a Capital divided into Shares, shall keep at its registered Office a Register containing the Names and Addresses and the Occupations of its Directors or Managers, and shall send to the Registrar of Joint Stock Companies a Copy of such Register, and shall from Time to Time notify to the Registrar any Change that takes place in such Directors or Managers.

Penalty on Company not keeping Register of Directors.

XLVI. If any Company under this Act, and not having a Capital divided into Shares, makes Default in keeping a Register of its Directors or Managers, or in sending a Copy of such Register to the Registrar in compliance with the foregoing Rules, or in notifying to the Registrar any Change that takes place in such Directors or Managers, such delinquent Company shall incur a Penalty not exceeding Five Pounds for every Day during which such Default continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such Default shall incur the like Penalty.

XLVII. A

Promissory Notes and Bills of Exchange.

XLVII. A Promissory Note or Bill of Exchange shall be deemed to have been made, accepted, or endorsed on behalf of any Company under this Act, if made, accepted, or endorsed in the Name of the Company by any Person acting under the Authority of the Company, or if made, accepted, or endorsed by or on behalf or on account of the Company, by any Person acting under the Authority of the Company.

Prohibition against carrying on Business with less than Seven Members.

XLVIII. If any Company under this Act carries on Business when the Number of its Members is less than Seven for a Period of Six Months after the Number has been so reduced, every Person who is a Member of such Company during the Time that it so carries on Business after such Period of Six Months, and is cognizant of the Fact that it is so carrying on Business with fewer than Seven Members, shall be severally liable for the Payment of the whole Debts of the Company contracted during such Time, and may be sued for the same, without the Joinder in the Action or Suit of any other Member.

Provisions for Protection of Members.

General Meeting of Company.

XLIX. A General Meeting of every Company under this Act shall be held once at the least in every Year.

Power to alter Regulations by Special Resolution.

L. Subject to the Provisions of this Act, and to the Conditions contained in the Memorandum of Association, any Company formed under this Act may, in General Meeting, from Time to Time, by passing a Special Resolution in manner herein-after mentioned, alter all or any of the Regulations of the Company contained in the Articles of Association or in the Table marked A. in the First Schedule, where such Table is applicable to the Company, or make new Regulations to the Exclusion of or in addition to all or any of the Regulations of the Company; and any Regulations so made by Special Resolution shall be deemed to be Regulations of the Company of the same Validity as if they had been originally contained in the Articles of Association, and shall be subject in like Manner to be altered or modified by any subsequent Special Resolution.

Definition of Special Resolution.

LI. A Resolution passed by a Company under this Act shall be deemed to be special whenever a Resolution has been passed by a Majority of not less than Three Fourths of such Members of the Company for the Time being entitled, according to the Regulations of the Company, to vote as may be present, in Person or by Proxy (in Cases where by the Regulations of the Company Proxies are allowed), at any General Meeting of which Notice specifying the Intention to propose such Resolution has been duly given, and such Resolution has been confirmed by a Majority of such Members for the Time being entitled, according

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ing to the Regulations of the Company, to vote as may be present, in Person or by Proxy, at a subsequent General Meeting, of which Notice has been duly given, and held at an Interval of not less than Fourteen Days, nor more than One Month from the Date of the Meeting at which such Resolution was first passed: At any Meeting mentioned in this Section, unless a Poll is demanded by at least Five Members, a Declaration of the Chairman that the Resolution has been carried shall be deemed conclusive Evidence of the Fact, without Proof of the Number or Proportion of the Votes recorded in favour of or against the same: Notice of any Meeting shall, for the Purposes of this Section, be deemed to be duly given and the Meeting to be duly held, whenever such Notice is given and Meeting held in manner prescribed by the Regulations of the Company: In computing the Majority under this Section, when a Poll is demanded, Reference shall be had to the Number of Votes to which each Member is entitled by the Regulations of the Company.

Provision where no Regulations as to Meetings.

LII. In default of any Regulations as to voting every Member shall have One Vote, and in default of any Regulations as to summoning General Meetings a Meeting shall be held to be duly summoned of which Seven Days Notice in Writing has been served on every Member in manner in which Notices are required to be served by the Table marked A. in the First Schedule hereto, and in default of any Regulations as to the Persons to summon Meetings Five Members shall be competent to summon the same, and in default of any Regulations as to who is to be Chairman of such Meeting, it shall be competent for any Person elected by the Members present to preside.

Registry of Special Resolutions.

LIII. A Copy of any Special Resolution that is passed by any Company under this Act shall be printed and forwarded to the Registrar of Joint Stock Companies, and be recorded by him: If such Copy is not so forwarded within Fifteen Days from the Date of the Confirmation of the Resolution, the Company shall incur a Penalty not exceeding Two Pounds for every Day after the Expiration of such Fifteen Days during which such Copy is omitted to be forwarded, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such Default shall incur the like Penalty.

Copies of Special Resolution 3.

LIV. Where Articles of Association have been registered, a Copy of every Special Resolution for the Time being in force shall be annexed to or embodied in every Copy of the Articles of Association that may be issued after the passing of such Resolution: Where no Articles of Association have been registered, a Copy of any Special Resolution shall be forwarded in Print to any Member requesting the same on Payment of One Shilling,

Shilling, or such less Sum as the Company may direct: And if any Company makes Default in complying with the Provisions of this Section it shall incur a Penalty not exceeding One Pound for each Copy in respect of which such Default is made; and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such Default shall incur the like Penalty.

Execution of Deeds abroad.

LV. Any Company under this Act may, by Instrument in Writing under its Common Seal, empower any Person, either generally or in respect of any Specified Matters, as its Attorney, to execute Deeds on its Behalf in any Place not situate in the United Kingdom; and every Deed signed by such Attorney, on behalf of the Company, and under his Seal, shall be binding on the Company, and have the same Effect as if it were under the Common Seal of the Company.

Examination of Affairs of Company by Inspectors.

LVI. The Board of Trade may appoint One or more competent Inspectors to examine into the Affairs of any Company under this Act, and to report thereon, in such Manner as the Board may direct, upon the Applications following; (that is to say,)

(1.) In the Case of a Banking Company that has a Capital divided into Shares, upon the Application of Members holding not less than One Third Part of the whole Shares of the Company for the Time being issued:

(2.) In the Case of any other Company that has a Capital divided into Shares, upon the Application of Members holding not less than One Fifth Part of the whole Shares of the Company for the Time being issued:

(3.) In the Case of any Company not having a Capital divided into Shares upon the Application of Members being in Number not less than One Fifth of the whole Number of Persons for the Time being entered on the Register of the Company as Members.

Application for Inspection to be supported by Evidence.

LVII. The Application shall be supported by such Evidence as the Board of Trade may require for the Purpose of showing that the Applicants have good Reason for requiring such Investigation to be made, and that they are not actuated by malicious Motives in instituting the same; the Board of Trade may also require the Applicants to give Security for Payment of the Costs of the Inquiry before appointing any Inspector or Inspectors.

Inspection of Books.

LVIII. It shall be the Duty of all Officers and Agents of the Company to produce for the Examination of the Inspectors all Books and Documents in their Custody or Power: Any Inspector may examine upon Oath the Officers and Agents of the Company

Company in relation to its Business, and may administer such Oath accordingly: If any Officer or Agent refuses to produce any Book or Document hereby directed to be produced, or to answer any Question relating to the Affairs of the Company, he shall incur a Penalty not exceeding Five Pounds in respect of each Offence.

Result of Examination how dealt with.

LIX. Upon the Conclusion of the Examination the Inspectors shall report their Opinion to the Board of Trade: Such Report shall be written or printed, as the Board of Trade directs: A Copy shall be forwarded by the Board of Trade to the registered Office of the Company, and a further Copy shall, at the Request of the Members upon whose Application the Inspection was made, be delivered to them or to any One or more of them: All Expenses of and incidental to any such Examination as aforesaid shall be defrayed by the Members upon whose Application the Inspectors were appointed, unless the Board of Trade shall direct the same to be paid out of the Assets of the Company, which it is hereby authorized to do.

Power of Company to appoint Inspectors.

LX. Any Company under this Act may by Special Resolution appoint Inspectors for the Purpose of examining into the Affairs of the Company: The Inspectors so appointed shall have the same Powers and perform the same Duties as Inspectors appointed by the Board of Trade, with this Exception, that, instead of making their Report to the Board of Trade, they shall make the same in such Manner and to such Persons as the Company in General Meeting directs; and the Officers and Agents of the Company shall incur the same Penalties, in case of any Refusal to produce any Book or Document hereby required to be produced to such Inspectors, or to answer any Question, as they would have incurred if such Inspector had been appointed by the Board of Trade.

Report of Inspectors to be Evidence.

LXI. A Copy of the Report of any Inspectors appointed under this Act, authenticated by the Seal of the Company into whose Affairs they have made Inspection, shall be admissible in any legal Proceeding, as Evidence of the Opinion of the Inspectors in relation to any Matter contained in such Report.

Notices.

Service of Notices on Company.

LXII. Any Summons, Notice, Order, or other Document required to be served upon the Company may be served by leaving the same, or sending it through the Post in a prepaid Letter addressed to the Company, at their registered Office.

Rules as to Notices by Letter.

LXIII. Any Document to be served by Post on the Company shall be posted in such Time as to admit of its being delivered in the due Course of Delivery within the Period (if any) prescribed for the Service thereof; and in proving Service of such Document

Document it shall be sufficient to prove that such Document was properly directed, and that it was put as a prepaid Letter into the Post Office.

Authentication of Notices of Company.

LXIV. Any Summons, Notice, Order, or Proceeding requiring Authentication by the Company, may be signed by any Director, Secretary, or other authorized Officer of the Company, and need not be under the Common Seal of the Company, and the same may be in Writing or in Print, or partly in Writing and partly in Print.

Legal Proceedings.

Recovery of Penalties.

LXV. All Offences under this Act made punishable by any Penalty may be prosecuted summarily before Two or more Justices, as to *England*, in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Forty-three, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders*, or any Act amending the same; and as to *Scotland*, before Two or more Justices or the Sheriff of the County, in manner directed by the Act passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Her Majesty Queen *Victoria*, Chapter one hundred and four, intituled *An Act to amend and consolidate the Acts relating to Merchant Shipping*, or any Act amending the same, as regards Offences in *Scotland* against that Act, not being Offences by that Act described as Felonies or Misdemeanors; and as to *Ireland*, in manner directed by the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Ninety-three, intituled *An Act to consolidate and amend the Acts regulating the Proceedings of Petty Sessions and the Duties of Justices of the Peace out of Quarter Sessions in* Ireland, or any Act amending the same.

Application of Penalties.

LXVI. The Justices or Sheriff imposing any Penalty under this Act may direct the whole or any Part thereof to be applied in or towards Payment of the Costs of the Proceedings, or in or towards the rewarding the Person upon whose Information or at whose Suit such Penalty has been recovered; and, subject to such Direction, all Penalties shall be paid into the Receipt of Her Majesty's Exchequer, in such Manner as the Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Evidence of Proceedings at Meetings.

LXVII. Every Company under this Act shall cause Minutes of all Resolutions and Proceedings of General Meetings of the Company, and of the Directors or Managers of the Company in

in Cases where there are Directors or Managers, to be duly entered in Books to be from Time to Time provided for the Purpose; and any such Minute as aforesaid, if purporting to be signed by the Chairman of the Meeting at which such Resolutions were passed or Proceedings had, or by the Chairman of the next succeeding Meeting, shall be received as Evidence in all legal Proceedings; and until the contrary is proved, every General Meeting of the Company or Meeting of Directors or Managers in respect of the Proceedings of which Minutes have been so made shall be deemed to have been duly held and convened, and all Resolutions passed thereat or Proceedings had, to have been duly passed and had, and all Appointments of Directors, Managers, or Liquidators shall be deemed to be valid, and all Acts done by such Directors, Managers, or Liquidators shall be valid, notwithstanding any Defect that may afterwards be discovered in their Appointments or Qualifications.

Jurisdiction of Vice Warden of Stannaries.

LXVIII. In the Case of Companies under this Act, and engaged in working Mines within and subject to the Jurisdiction of the Stannaries, the Court of the Vice Warden of the Stannaries shall have and exercise the like Jurisdiction and Powers, as well on the Common Law as on the Equity Side thereof, which it now possesses by Custom, Usage, or Statute in the Case of unincorporated Companies, but only so far as such Jurisdiction or Powers are consistent with the Provisions of this Act and with the Constitution of Companies as prescribed or required by this Act; and for the Purpose of giving fuller Effect to such Jurisdiction in all Actions, Suits, or legal Proceedings instituted in the said Court, in Causes or Matters whereof the Court has Cognizance, all Process issuing out of the same, and all Orders, Rules, Demands, Notices, Warrants, and Summonses required or authorized by the Practice of the Court to be served on any Company, whether registered or not registered, or any Member or Contributory thereof, or any Officer, Agent, Director, Manager, or Servant thereof, may be served in any Part of *England* without any Special Order of the Vice Warden for that Purpose, or by such special Order may be served in any Part of the United Kingdom of *Great Britain* and *Ireland*, or in the adjacent Islands, Parcel of the Dominions of the Crown, on such Terms and Conditions as the Court shall think fit; and all Decrees, Orders, and Judgments of the said Court made or pronounced in such Causes or Matters may be enforced in the same Manner in which Decrees, Orders, and Judgments of the Court may now by Law be enforced, whether within or beyond the local Limits of the Stannaries; and the Seal of the said Court, and the Signature of the Registrar thereof, shall be judicially noticed by all other Courts

Courts and Judges in *England*, and shall require no other Proof than the Production thereof: The Registrar of the said Court, or the Assistant Registrar, in making Sales under any Decree or Order of the Court shall be entitled to the same Privilege of selling by Auction or Competition without a Licence, and without being liable to Duty, as a Judge of the Court of Chancery is entitled to in pursuance of the Acts in that Behalf.

Provision as to Costs in Actions brought by certain Limited Companies.

LXIX. Where a Limited Company is Plaintiff or Pursuer in any Action, Suit, or other legal Proceeding, any Judge having Jurisdiction in the Matter may, if it appears by any credible Testimony that there is Reason to believe that if the Defendant be successful in his Defence the Assets of the Company will be insufficient to pay his Costs, require sufficient Security to be given for such Costs, and may stay all Proceedings until such Security is given.

Declaration in Action against Members.

LXX. In any Action or Suit brought by the Company against any Member to recover any Call or other Monies due from such Member in his Character of Member, it shall not be necessary to set forth the special Matter, but it shall be sufficient to allege that the Defendant is a Member of the Company, and is indebted to the Company in respect of a Call made or other Monies due whereby an Action or Suit hath accrued to the Company.

Alteration of Forms.

Board of Trade may alter Forms in Schedule.

LXXI. The Forms set forth in the Second Schedule hereto, or Forms as near thereto as Circumstances admit, shall be used in all Matters to which such Forms refer; the Board of Trade may from Time to Time make such Alterations in the Tables and Forms contained in the First Schedule hereto, so that it does not increase the Amount of Fees payable to the Registrar in the said Schedule mentioned, and in the Forms in the Second Schedule, or make such Additions to the last-mentioned Forms, as it deems requisite: Any such Table or Form, when altered, shall be published in the *London Gazette*, and upon such Publication being made such Table or Form shall have the same Force as if it were included in the Schedule to this Act, but no Alteration made by the Board of Trade in the Table marked A. contained in the First Schedule shall affect any Company registered prior to the Date of such Alteration, or repeal, as respects such Company, any Portion of such Table.

Arbitrations.

Power for Companies to refer

LXXII. Any Company under this Act may from Time to Time, by Writing under its Common Seal, agree to refer and

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may refer to Arbitration, in accordance with "The Railway Companies Arbitration Act, 1859," any existing or future Difference, Question, or other Matter whatsoever in dispute between itself and any other Company or Person, and the Companies Parties to the Arbitration may delegate to the Person or Persons to whom the Reference is made Power to settle any Terms or to determine any Matter capable of being lawfully settled or determined by the Companies themselves, or by the Directors or other managing Body of such Companies. Matters to Arbitration.

LXXIII. All the Provisions of "The Railway Companies Arbitration Act, 1859," shall be deemed to apply to Arbitrations between Companies and Persons in pursuance of this Act; and in the Construction of such Provisions "the Companies" shall be deemed to include Companies authorized by this Act to refer Disputes to Arbitration. Provisions of 22 & 23 Vict. c. 59, to apply.

PART IV.

WINDING UP OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Preliminary.

LXXIV. The Term "Contributory" shall mean every Person liable to contribute to the Assets of a Company under this Act, in the event of the same being wound up: It shall also, in all Proceedings for determining the Persons who are to be deemed Contributories, and in all Proceedings prior to the final Determination of such Persons, include any Person alleged to be a Contributory. Meaning of Contributory.

LXXV. The Liability of any Person to contribute to the Assets of a Company under this Act in the event of the same being wound up, shall be deemed to create a Debt (in *England* and *Ireland* of the Nature of a Specialty) accruing due from such Person at the Time when his Liability commenced, but payable at the Time or respective Times when Calls are made as hereinafter mentioned for enforcing such Liability; and it shall be lawful in the Case of the Bankruptcy of any Contributory to prove against his Estate the estimated Value of his Liability to future Calls, as well as Calls already made. Nature of Liability of Contributory.

LXXVI. If any Contributory dies either before or after he has been placed on the List of Contributories herein-after mentioned, his Personal Representatives, Heirs, and Devisees shall be liable in a due Course of Administration to contribute to the Assets of the Company in discharge of the Liability of such deceased Contributory, and such Personal Representatives, Heirs, and Devisees shall be deemed to be Contributories accordingly. Contributories in case of Death.

LXXVII. If any Contributory becomes bankrupt, either before

or

Contributories in case of Bankruptcy.

or after he has been placed on the List of Contributories, his Assignees shall be deemed to represent such Bankrupt for all the Purposes of the Winding-up, and shall be deemed to be Contributories accordingly, and may be called upon to admit to Proof against the Estate of such Bankrupt, or otherwise to allow to be paid out of his Assets in due Course of Law, any Monies due from such Bankrupt in respect of his Liability to contribute to the Assets of the Company being wound up; and for the Purposes of this Section any Person who may have taken the Benefit of any Act for the Relief of Insolvent Debtors before the Eleventh Day of *October* One thousand eight hundred and sixty-one shall be deemed to have become bankrupt.

Contributories in case of Marriage.

LXXVIII. If any Female Contributory marries, either before or after she has been placed on the List of Contributories, her Husband shall during the Continuance of the Marriage be liable to contribute to the Assets of the Company the same Sum as she would have been liable to contribute if she had not married, and he shall be deemed to be a Contributory accordingly.

Winding up by Court.

Circumstances under which Company may be wound up by Court.

LXXIX. A Company under this Act may be wound up by the Court as herein-after defined, under the following Circumstances; (that is to say,)

(1.) Whenever the Company has passed a Special Resolution requiring the Company to be wound up by the Court:

(2.) Whenever the Company does not commence its Business within a Year from its Incorporation, or suspends its Business for the Space of a whole Year:

(3.) Whenever the Members are reduced in Number to less than Seven:

(4.) Whenever the Company is unable to pay its Debts:

(5.) Whenever the Court is of opinion that it is just and equitable that the Company should be wound up.

Company when deemed unable to pay its Debts.

LXXX. A Company under this Act shall be deemed to be unable to pay its Debts,

(1.) Whenever a Creditor, by Assignment or otherwise, to whom the Company is indebted, at Law or in Equity, in a Sum exceeding Fifty Pounds then due, has served on the Company, by leaving the same at their registered Office, a Demand under his Hand requiring the Company to pay the Sum so due, and the Company has for the Space of Three Weeks succeeding the Service of such Demand neglected to pay such Sum, or to secure or compound for the same to the reasonable Satisfaction of the Creditor:

(2.) Whenever, in *England* and *Ireland*, Execution or other Process

Process issued on a Judgment, Decree, or Order obtained in any Court in favour of any Creditor, at Law or in Equity, in any Proceeding instituted by such Creditor against the Company, is returned unsatisfied in whole or in part:

(3.) Whenever, in *Scotland*, the Induciæ of a Charge for Payment on an Extract Decree, or an Extract registered Bond, or an Extract registered Protest have expired without Payment being made:

(4.) Whenever it is proved to the Satisfaction of the Court that the Company is unable to pay its Debts.

Definition of "the Court."

LXXXI. The Expression "the Court," as used in this Part of this Act, shall mean the following Authorities; (that is to say,)

In the Case of a Company engaged in working any Mine within and subject to the Jurisdiction of the Stannaries,—the Court of the Vice Warden in the Stannaries, unless the Vice Warden certifies that in his Opinion the Company would be more advantageously wound up in the High Court of Chancery, in which Case "the Court" shall mean the High Court of Chancery:

In the Case of a Company registered in *England* that is not engaged in working any such Mine as aforesaid,—the High Court of Chancery:

In the Case of a Company registered in *Ireland*, the Court of Chancery in *Ireland:*

In all Cases of Companies registered in *Scotland*, the Court of Session in either Division thereof:

Provided that where the Court of Chancery in *England* or *Ireland* makes an Order for winding up a Company under this Act, it may, if it thinks fit, direct all subsequent Proceedings for winding up the same to be had in the Court of Bankruptcy having Jurisdiction in the Place in which the registered Office of the Company is situate; and thereupon such last-mentioned Court of Bankruptcy shall, for the Purposes of winding up the Company, be deemed to be "the Court" within the Meaning of the Act, and shall have for the Purposes of such winding-up all the Powers of the High Court of Chancery, or of the Court of Chancery in *Ireland*, as the Case may require.

Application for winding up to be made by Petition.

LXXXII. Any Application to the Court for the winding up of a Company under this Act shall be by Petition; it may be presented by the Company, or by any One or more Creditor or Creditors, Contributory or Contributories of the Company, or by all or any of the above Parties, together or separately; and every Order which may be made on any such Petition shall operate in favour of all the Creditors and all the Contributories

of the Company in the same Manner as if it had been made upon the joint Petition of a Creditor and a Contributory.

Power of Court.

LXXXIII. Any Judge of the High Court of Chancery may do in Chambers any Act which the Court is hereby authorized to do; and the Vice Warden of the Stannaries may direct that a Petition for winding up a Company be heard by him at such Time and at such Place within the Jurisdiction of the Stannaries, or within or near to the Place where the registered Office of the Company is situated, as he may deem to be convenient to the Parties concerned, or (with the Consent of the Parties concerned) at any Place in *England;* and all Orders made thereon shall have the same Force and Effect as if they had been made by the Vice Warden sitting at *Truro* or elsewhere within the Jurisdiction of the Court, and all Parties and Persons summoned to attend at the Hearing of any such Petition shall be compellable to give their Attendance before the Vice Warden by like Process and in like Manner as at the Hearing of any Cause or Matter at the usual Sitting of the said Court; and the Registrar of the Court may, subject to Exception or Appeal to the Vice Warden as heretofore used, do and exercise such and the like Acts and Powers in the Matter of winding up as he is now used to do and exercise in a Suit on the Equity Side of the said Court.

Commencement of winding up by Court.

LXXXIV. A Winding-up of a Company by the Court shall be deemed to commence at the Time of the Presentation of the Petition for the Winding-up.

Court may grant injunction.

LXXXV. The Court may, at any Time after the Presentation of a Petition for winding up a Company under this Act, and before making an Order for winding up the Company, upon the Application of the Company, or of any Creditor or Contributory of the Company, restrain further Proceedings in any Action, Suit, or Proceeding against the Company, upon such Terms as the Court thinks fit; the Court may also at any Time after the Presentation of such Petition, and before the First Appointment of Liquidators, appoint provisionally an Official Liquidator of the Estate and Effects of the Company.

Course to be pursued by Court on hearing Petition.

LXXXVI. Upon hearing the Petition the Court may dismiss the same with or without Costs, may adjourn the Hearing conditionally or unconditionally, and may make any Interim Order, or any other Order that it deems just.

Actions and Suits to be stayed after Order for winding up.

LXXXVII. When an Order has been made for winding up a Company under this Act, no Suit, Action, or other Proceeding shall be proceeded with or commenced against the Company except with the Leave of the Court, and subject to such Terms as the Court may impose.

Copy of

LXXXVIII. When an Order has been made for winding up a

a Company under this Act, a Copy of such Order shall forthwith be forwarded by the Company to the Registrar of Joint Stock Companies, who shall make a Minute thereof in his Books relating to the Company. Order to be forwarded to Registrar.

LXXXIX. The Court may at any Time after an Order has been made for winding up a Company, upon the Application by Motion of any Creditor or Contributory of the Company, and upon Proof to the Satisfaction of the Court that all Proceedings in relation to such Winding-up ought to be stayed, make an Order staying the same, either altogether or for a limited Time, on such Terms and subject to such Conditions as it deems fit. Power of Court to stay Proceedings.

XC. When an Order has been made for winding up a Company limited by Guarantee and having a Capital divided into Shares, any Share Capital that may not have been called up shall be deemed to be Assets of the Company, and to be a Debt (in *England* and *Ireland* of the Nature of a Specialty) due to the Company from each Member to the Extent of any Sums that may be unpaid on any Shares held by him, and payable at such Time as may be appointed by the Court. Effect of Order on Share Capital of Company limited by Guarantee.

XCI. The Court may, as to all Matters relating to the Winding-up, have regard to the Wishes of the Creditors or Contributories, as proved to it by any sufficient Evidence, and may, if it thinks it expedient, direct Meetings of the Creditors or Contributories to be summoned, held, and conducted in such Manner as the Court directs, for the Purpose of ascertaining their Wishes, and may appoint a Person to act as Chairman of any such Meeting, and to report the Result of such Meeting to the Court: In the Case of Creditors, regard is to be had to the Value of the Debts due to each Creditor, and in the Case of Contributories to the Number of Votes conferred on each Contributory by the Regulations of the Company. Court may have regard to Wishes of Creditors or Contributories.

Official Liquidators.

XCII. For the Purpose of conducting the Proceedings in winding up a Company, and assisting the Court therein, there may be appointed a Person or Persons to be called an Official Liquidator or Official Liquidators; and the Court having Jurisdiction may appoint such Person or Persons, either provisionally or otherwise, as it thinks fit, to the Office of Official Liquidator or Official Liquidators; in all Cases if more Persons than One are appointed to the Office of Official Liquidator, the Court shall declare whether any Act hereby required or authorized to be done by the Official Liquidator is to be done by all or any One or more of such Persons. The Court may also determine whether any and what Security is to be given by any Official Liquidator on his Appointment; if no Official Liquidator is appointed, Appointment of Official Liquidator.

appointed, or during any Vacancy in such Appointment, all the Property of the Company shall be deemed to be in the Custody of the Court.

Resignations, Removals, filling up Vacancies, and Compensation.

XCIII. Any Official Liquidator may resign or be removed by the Court on due Cause shown: And any Vacancy in the Office of an Official Liquidator appointed by the Court shall be filled by the Court: There shall be paid to the Official Liquidator such Salary or Remuneration, by way of Per-centage or otherwise, as the Court may direct; and if more Liquidators than One are appointed such Remuneration shall be distributed amongst them in such Proportions as the Court directs.

Style and Duties of Official Liquidator.

XCIV. The Official Liquidator or Liquidators shall be described by the Style of the Official Liquidator or Official Liquidators of the particular Company in respect of which he is or they are appointed, and not by his or their individual Name or Names; he or they shall take into his or their Custody, or under his or their Control, all the Property, Effects, and Things in Actions to which the Company is or appears to be entitled, and shall perform such Duties in reference to the Winding-up of the Company as may be imposed by the Court.

Powers of Official Liquidator.

XCV. The Official Liquidator shall have Power, with the Sanction of the Court, to do the following Things:

To bring or defend any Action, Suit, or Prosecution, or other legal Proceeding, Civil or Criminal, in the Name and on behalf of the Company:

To carry on the Business of the Company, so far as may be necessary for the beneficial winding up of the same:

To sell the Real and Personal and Heritable and Moveable Property, Effects, and Things in Action of the Company by Public Auction or Private Contract, with Power to transfer the whole thereof to any Person or Company, or to sell the same in Parcels:

To do all Acts and to execute, in the Name and on behalf of the Company, all Deeds, Receipts, and other Documents, and for that Purpose to use, when necessary, the Company's Seal:

To prove, rank, claim, and draw a Dividend, in the Matter of the Bankruptcy or Insolvency or Sequestration of any Contributory, for any Balance against the Estate of such Contributory, and to take and receive Dividends in respect of such Balance, in the Matter of Bankruptcy or Insolvency or Sequestration, as a separate Debt due from such Bankrupt or Insolvent, and rateably with the other separate Creditors:

To draw, accept, make, and endorse any Bill of Exchange or Promissory Note in the Name and on behalf of the Company, also

also to raise upon the Security of the Assets of the Company from Time to Time any requisite Sum or Sums of Money; and the drawing, accepting, making, or endorsing of every such Bill of Exchange or Promissory Note as aforesaid on behalf of the Company shall have the same Effect with respect to the Liability of such Company as if such Bill or Note had been drawn, accepted, made, or indorsed by or on behalf of such Company in the course of carrying on the Business thereof:

To take out, if necessary, in his official Name, Letters of Administration to any deceased Contributory, and to do in his official Name any other Act that may be necessary for obtaining Payment of any Monies due from a Contributory or from his Estate, and which Act cannot be conveniently done in the Name of the Company; and in all Cases where he takes out Letters of Administration, or otherwise uses his official Name for obtaining Payment of any Monies due from a Contributory, such Monies shall for the Purpose of enabling him to take out such Letters or recover such Monies, be deemed to be due to the Official Liquidator himself:

To do and execute all such other Things as may be necessary for winding up the Affairs of the Company and distributing its Assets.

Discretion of Official Liquidator.

XCVI. The Court may provide by any Order that the Official Liquidator may exercise any of the above Powers without the Sanction or Intervention of the Court, and where an Official Liquidator is provisionally appointed may limit and restrict his Powers by the Order appointing him.

Appointment of Solicitor to Official Liquidator.

XCVII. The Official Liquidator may, with the Sanction of the Court, appoint a Solicitor or Law Agent to assist him in the Performance of his Duties.

Ordinary Powers of Court.

Collection and Application of Assets.

XCVIII. As soon as may be after making an Order for winding up the Company, the Court shall settle a List of Contributories, with power to rectify the Register of Members in all Cases where such Rectification is required in pursuance of this Act, and shall cause the Assets of the Company to be collected, and applied in discharge of its Liabilities.

Provision as to representative Contributories.

XCIX. In settling the List of Contributories the Court shall distinguish between Persons who are Contributories in their own Right and Persons who are Contributories as being Representatives of or being liable to the Debts of others; it shall not be necessary, where the Personal Representative of any deceased Contributory is placed on the List, to add the Heirs or

or Devisees of such Contributory, nevertheless such Heirs or Devisees may be added as and when the Court thinks fit.

Power of Court to require Delivery of Property.

C. The Court may, at any Time after making an Order for winding up a Company, require any Contributory for the Time being settled on the List of Contributories, Trustee, Receiver, Banker, or Agent, or Officer of the Company to pay, deliver, convey, surrender, or transfer forthwith, or within such Time as the Court directs, to or into the Hands of the Official Liquidator, any Sum or Balance, Books, Papers, Estate, or Effects which happen to be in his Hands for the Time being, and to which the Company is *primâ facie* entitled.

Power of Court to order Payment of Debts by Contributory.

CI. The Court may, at any Time after making an Order for winding up the Company, make an Order on any Contributory for the Time being settled on the List of Contributories, directing Payment to be made, in manner in the said Order mentioned, of any Monies due from him or from the Estate of the Person whom he represents to the Company, exclusive of any Monies which he or the Estate of the Person whom he represents may be liable to contribute by virtue of any Call made or to be made by the Court in pursuance of this Part of this Act; and it may, in making such Order, when the Company is not limited, allow to such Contributory by way of Set-off any Monies due to him or the Estate which he represents from the Company on any independent Dealing or Contract with the Company, but not any Monies due to him as a Member of the Company in respect of any Dividend or Profit:

Provided that when all the Creditors of any Company whether limited or unlimited are paid in full, any Monies due on any Account whatever to any Contributory from the Company may be allowed to him by way of Set-off against any subsequent Call or Calls.

Power of Court to make Calls.

CII. The Court may, at any Time after making an Order for winding up a Company, and either before or after it has ascertained the Sufficiency of the Assets of the Company, make Calls on and order Payment thereof by all or any of the Contributories for the Time being settled on the List of Contributories, to the Extent of their Liability, for Payment of all or any Sums it deems necessary to satisfy the Debts and Liabilities of the Company, and the Costs, Charges, and Expenses of winding it up, and for the Adjustment of the Rights of the Contributories amongst themselves, and it may, in making a Call, take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the same.

Power of Court to order Pay-

CIII. The Court may order any Contributory, Purchaser, or other Person from whom Money is due to the Company to pay the

the same into the Bank of *England* or any Branch thereof to the Account of the Official Liquidator instead of to the Official Liquidator, and such Order may be enforced in the same Manner as if it had directed Payment to the Official Liquidator. ment into Bank.

CIV. All Monies, Bills, Notes, and other Securities paid and delivered into the Bank of *England* or any Branch thereof in the event of a Company being wound up by the Court, shall be subject to such Order and Regulation for the keeping of the Account of such Monies and other Effects, and for the Payment and Delivery in or Investment and Payment and Delivery out of the same as the Court may direct. Regulation of Account with Court.

CV. If any Person made a Contributory as Personal Representative of a deceased Contributory makes default in paying any Sum ordered to be paid by him, Proceedings may be taken for administering the Personal and Real Estates of such deceased Contributory, or either of such Estates, and of compelling Payment thereout of the Monies due. Provision in case of representative Contributory not paying Monies ordered.

CVI. Any Order made by the Court in pursuance of this Act upon any Contributory shall, subject to the Provisions herein contained for appealing against such Order, be conclusive Evidence that the Monies, if any, thereby appearing to be due or ordered to be paid are due, and all other pertinent Matters stated in such Order are to be taken to be truly stated as against all Persons, and in all Proceedings whatsoever, with the Exception of Proceedings taken against the Real Estate of any deceased Contributory, in which Case such Order shall only be *primâ facie* Evidence for the Purpose of charging his Real Estate, unless his Heirs or Devisees were on the List of Contributories at the Time of the Order being made. Order conclusive Evidence.

CVII. The Court may fix a certain Day or certain Days on or within which Creditors of the Company are to prove their Debts or Claims, or to be excluded from the Benefit of any Distribution made before such Debts are proved. Court may exclude Creditors not proving within certain Time.

CVIII. If in the course of proving the Debts and Claims of Creditors in the Court of the Vice Warden of the Stannaries any Debt or Claim is disputed by the Official Liquidator or by any Creditor or Contributory, or appears to the Court to be open to Question, the Court shall have Power, subject to Appeal as herein-after provided, to adjudicate upon it, and for that Purpose the said Court shall have and exercise all needful Powers of Inquiry touching the same by Affidavit or by oral Examination of Witnesses or of Parties, whether voluntarily offering themselves for Examination or summoned to attend by compulsory Process of the Court, or to produce Documents before the Court; and the Court shall also have Power, incidentally, to decide on the Validity and Extent of any Lien or Charge claimed by Proceedings in the Court of the Vice Warden of the Stannaries on Proof of Debts.

by any Creditor on any Property of the Company in respect of such Debt, and to make Declarations of Right, binding on all Persons interested; and for the more satisfactory Determination of any Question of Fact, or mixed Question of Law and Fact arising on such Inquiry, the Vice Warden shall have Power, if he thinks fit, to direct and settle any Action or Issue to be tried either on the Common Law Side of his Court, or by a Common or Special Jury, before the Justices of Assize in and for the Counties of *Cornwall* or *Devon*, or at any Sitting of One of the Superior Courts in *London* or *Middlesex*, which Action or Issue shall accordingly be tried in due Course of Law, and without other or further Consent of Parties; and the Finding of the Jury in such Action or Issue shall be conclusive of the Facts found, unless the Judge who tried it makes known to the Vice Warden that he was not satisfied with the Finding, or unless it appears to the Vice Warden that, in consequence of Miscarriage, Accident, or the subsequent Discovery of fresh material Evidence, such Finding ought not to be conclusive.

Court to adjust Rights of Contributories.

CIX. The Court shall adjust the Rights of the Contributories amongst themselves, and distribute any Surplus that may remain amongst the Parties entitled thereto.

Court to order Costs.

CX. The Court may, in the event of the Assets being insufficient to satisfy the Liabilities, make an Order as to the Payment out of the Estate of the Company of the Costs, Charges, and Expenses incurred in winding up any Company in such Order of Priority as the Court thinks just.

Dissolution of Company.

CXI. When the Affairs of the Company have been completely wound up, the Court shall make an Order that the Company be dissolved from the Date of such Order, and the Company shall be dissolved accordingly.

Registrar to make Minute of Dissolution of Company.

CXII. Any Order so made shall be reported by the Official Liquidator to the Registrar, who shall make a Minute accordingly in his Books of the Dissolution of such Company.

Penalty on not reporting Dissolution of Company.

CXIII. If the Official Liquidator makes default in reporting to the Registrar, in the Case of a Company being wound up by the Court, the Order that the Company be dissolved, he shall be liable to a Penalty not exceeding Five Pounds for every Day during which he is so in default.

Petition to be Lis pendens.

CXIV. Any Petition for winding up a Company by the Court under this Act shall constitute a Lis pendens within the Terms of the Act passed in the Session holden in the Second and Third Years of the Reign of Her present Majesty, Chapter Eleven, and intituled *An Act for the better Protection of Purchasers against Judgments, Crown Debts, Lis pendens, and Fiats in Bankruptcy*, provided the same is duly registered in manner required by such Act concerning Suits in Equity.

Extraordinary

Extraordinary Powers of Court.

Power of Court to summon Persons before it suspected of having Property of Company.

CXV. The Court may, after it has made an Order for winding up the Company, summon before it any Officer of the Company or Person known or suspected to have in his Possession any of the Estate or Effects of the Company, or supposed to be indebted to the Company, or any Person whom the Court may deem capable of giving Information concerning the Trade, Dealings, Estate, or Effects of the Company; and the Court may require any such Officer or Person to produce any Books, Papers, Deeds, Writings, or other Documents in his Custody or Power relating to the Company; and if any Person so summoned, after being tendered a reasonable Sum for his Expenses, refuses to come before the Court at the Time appointed, having no lawful Impediment (made known to the Court at the Time of its sitting, and allowed by it), the Court may cause such Person to be apprehended, and brought before the Court for Examination; nevertheless, in Cases where any Person claims any Lien on Papers, Deeds, or Writings or Documents produced by him, such Production shall be without Prejudice to such Lien, and the Court shall have Jurisdiction in the Winding-up to determine all Questions relating to such Lien.

Special Provisions as to Court of Vice Warden of the Stannaries.

CXVI. If, after an Order for Winding-up in the Court of the Vice Warden of the Stannaries, it appears that any Person claims Property in, or any Lien, legal or equitable, upon any of the Machinery, Materials, Ores, or Effects on the Mine, or on Premises occupied by the Company in connexion with the Mine, or to which the Company was, at the Time of the Order, *primâ facie* entitled, it shall be lawful for the Vice Warden or the Registrar to adjudicate upon such Claim on Interpleader in the Manner provided by Section Eleven of the Act passed in the Eighteenth Year of the Reign of Her present Majesty, Chapter Thirty-two; and any Action or Issue directed upon such Interpleader may, if the Vice Warden think fit, be tried in his Court or at the Assizes or the Sittings in *London* or *Middlesex*, before a Judge of One of the Superior Courts, in the Manner and on the Terms and Conditions herein-before provided in the Case of disputed Debts and Claims of Creditors.

Examination of Parties by Court.

CXVII. The Court may examine upon Oath, either by Word of Mouth or upon written Interrogatories, any Person appearing or brought before them in Manner aforesaid concerning the Affairs, Dealings, Estate, or Effects of the Company, and may reduce into Writing the Answers of every such Person, and require him to subscribe the same.

Power to arrest Contributory

CXVIII. The Court may, at any Time before or after it has made an Order for winding up a Company, upon Proof being given

about to abscond, or to remove or conceal any of his Property.

given that there is probable Cause for believing that any Contributory to such Company is about to quit the United Kingdom, or otherwise abscond, or to remove or conceal any of his Goods or Chattels, for the Purpose of evading Payment of Calls, or for avoiding Examination in respect of the Affairs of the Company, cause such Contributory to be arrested, and his Books, Papers, Monies, Securities for Monies, Goods, and Chattels to be seized, and him and them to be safely kept until such Time as the Court may order.

Powers of Court cumulative.

CXIX. Any Powers by this Act conferred on the Court shall be deemed to be in addition to and not in restriction of any other Powers subsisting, either at Law or in Equity, of instituting Proceedings against any Contributory, or the Estate of any Contributory, or against any Debtor of the Company for the Recovery of any Call or other Sums due from such Contributory or Debtor, or his Estate, and such Proceedings may be instituted accordingly.

Enforcement of and Appeal from Orders.

Power to enforce Orders.

CXX. All Orders made by the Court of Chancery in *England* or *Ireland* under this Act may be enforced in the same Manner in which Orders of such Court of Chancery made in any Suit pending therein may be enforced, and for the Purposes of this Part of this Act the Court of the Vice Warden of the Stannaries shall, in addition to its ordinary Powers, have the same Power of enforcing any Orders made by it as the Court of Chancery in *England* has in relation to Matters within the Jurisdiction of such Court, and for the last-mentioned Purposes the Jurisdiction of the Vice Warden of the Stannaries shall be deemed to be co-extensive in local Limits with the Jurisdiction of the Court of Chancery in *England*.

Power to order Contributories in Scotland to pay Calls.

CXXI. Where an Order, Interlocutor, or Decree has been made in *Scotland* for winding-up a Company by the Court, it shall be competent to the Court in *Scotland* during Session, and to the Lord Ordinary on the Bills during Vacation, on Production by the Liquidators of a List certified by them of the Names of the Contributories liable in Payment of any Calls which they may wish to enforce, and of the Amount due by each Contributory respectively, and of the Date when the same became due, to pronounce forthwith a Decree against such Contributories for Payment of the Sums so certified to be due by each of them respectively, with Interest from the said Date till Payment, at the Rate of Five Pounds *per Centum per Annum*, in the same Way and to the same Effect as if they had severally consented to Registration for Execution, on a Charge of Six Days, of a legal Obligation to pay such Calls and Interest; and such

such Decree may be extracted immediately, and no Suspension thereof shall be competent, except on Caution or Consignation, unless with special Leave of the Court or Lord Ordinary.

Order made in England to be enforced in Ireland and Scotland.

CXXII. Any Order made by the Court in *England* for or in the Course of the Winding-up of a Company under this Act shall be enforced in *Scotland* and *Ireland* in the Courts that would respectively have had Jurisdiction in respect of such Company if the registered Office of the Company had been situate in *Scotland* or *Ireland*, and in the same Manner in all respects as if such Order had been made by the Courts that are hereby required te enforce the same; and in like Manner Orders, Interlocutors, and Decrees made by the Court in *Scotland* for or in the Course of the Winding-up of a Company shall be enforced in *England* and *Ireland*, and Orders made by the Court in *Ireland* for or in the Course of winding up a Company shall be enforced in *England* and *Scotland* by the Courts which would respectively have had Jurisdiction in the Matter of such Company if the registered Office of the Company were situate in the Division of the United Kingdom where the Order is required to be enforced, and in the same Manner in all respects as if such Order had been made by the Court required to enforce the same in the Case of a Company within its own Jurisdiction.

Mode of dealing with Orders to be enforced by other Courts.

CXXIII. Where any Order, Interlocutor, or Decree made by one Court is required to be enforced by another Court, as herein-before provided, an Office Copy of the Order, Interlocutor, or Decree so made shall be produced to the proper Officer of the Court required to enforce the same, and the Production of such Office Copy shall be sufficient Evidence of such Order, Interlocutor, or Decree having been made, and thereupon such last-mentioned Court shall take such Steps in the Matter as may be requisite for enforcing such Order, Interlocutor, or Decree, in the same Manner as if it were the Order, Interlocutor, or Decree of the Court enforcing the same.

Appeals from Orders.

CXXIV. Rehearings of and Appeals from any Order or Decision made or given in the Matter of the Winding-up of a Company by any Court having Jurisdiction under this Act, may be had in the same Manner and subject to the same Conditions in and subject to which Appeals may be had from any Order or Decision of the same Court in Cases within its ordinary Jurisdiction; subject to this Restriction, that no such Rehearing or Appeal shall be heard unless Notice of the same is given within Three Weeks after any Order complained of has been made, in manner in which Notices of Appeal are ordinarily given, according to the Practice of the Court appealed from, unless such Time is extended by the Court of Appeal: Provided

Provided that it shall be lawful for the Lord Warden of the Stannaries, by a Special or General Order, to remit at once any Appeal allowed and regularly lodged with him against any Order or Decision of the Vice Warden made in the Matter of a Winding-up to the Court of Appeal in Chancery, which Court shall thereupon hear and determine such Appeal, and have Power to require all such Certificates of the Vice Warden, Records of Proceedings below, Documents, and Papers as the Lord Warden would or might have required upon the Hearing of such Appeal, and to exercise all other the Jurisdiction and Powers of the Lord Warden specified in the Act of Parliament passed in the Eighteenth Year of the Reign of Her present Majesty, Chapter Thirty-two, and any Order so made by the Court of Appeal in Chancery shall be final, without any further Appeal.

Judicial Notice to be taken of Signature of Officers.

CXXV. In all Proceedings under this Part of this Act, all Courts, Judges, and Persons judicially acting, and all other Officers, Judicial or Ministerial, of any Court, or employed in enforcing the Process of any Court, shall take judicial Notice of the Signature of any Officer of the Courts of Chancery or Bankruptcy in *England* or in *Ireland*, or of the Court of Session in *Scotland*, or of the Registrar of the Court of the Vice Warden of the Stannaries, and also of the Official Seal or Stamp of the several Offices of the Courts of Chancery or Bankruptcy in *England* or *Ireland*, or of the Court of Session in *Scotland*, or of the Court of the Vice Warden of the Stannaries, when such Seal or Stamp is appended to or impressed on any Document made, issued, or signed under the Provisions of this Part of the Act, or any Official Copy thereof.

Special Commissioners for receiving Evidence.

CXXVI. The Commissioners of the Court of Bankruptcy and the Judges of the County Courts in *England* who sit at Places more than Twenty Miles from the General Post Office, and the Commissioners of Bankrupt and the assistant Barristers and Recorders in *Ireland*, and the Sheriffs of Counties in *Scotland*, shall be Commissioners for the Purpose of taking Evidence under this Act in Cases where any Company is wound up in any Part of the United Kingdom, and it shall be lawful for the Court to refer the whole or any Part of the Examination of any Witnesses under this Act to any Person hereby appointed Commissioner, although such Commissioner is out of the Jurisdiction of the Court that made the Order or Decree for winding up the Company; and every such Commissioner shall, in addition to any Power of summoning and examining Witnesses, and requiring the Production or Delivery of Documents, and certifying or punishing Defaults by Witnesses, which he might lawfully exercise as a Commissioner of the

the Court of Bankruptcy, Judge of a County Court, Commissioner of Bankrupt, Assistant Barrister, or Recorder, or as a Sheriff of a County, have in the Matter so referred to him all the same Powers of summoning and examining Witnesses, and requiring the Production or Delivery of Documents, and punishing Defaults by Witnesses, and allowing Costs and Charges and Expenses to Witnesses, as the Court which made the Order for winding up the Company has; and the Examination so taken shall be returned or reported to such last-mentioned Court in such Manner as it directs.

Court may order the Examination of Persons in Scotland.

CXXVII. The Court may direct the Examination in *Scotland* of any Person for the Time being in *Scotland*, whether a Contributory of the Company or not, in regard to the Estate, Dealings, or Affairs of any Company in the course of being wound up, or in regard to the Estate, Dealings, or Affairs of any Person being a Contributory of the Company, so far as the Company may be interested therein by reason of his being such Contributory, and the Order or Commission to take such Examination shall be directed to the Sheriff of the County in which the Person to be examined is residing or happens to be for the Time, and the Sheriff shall summon such Person to appear before him at a Time and Place to be specified in the Summons for Examination upon Oath as a Witness or as a Haver, and to produce any Books, Papers, Deeds, or Documents called for which may be in his Possession or Power, and the Sheriff may take such Examination either orally or upon written Interrogatories, and shall report the same in Writing in the usual Form to the Court, and shall transmit with such Report the Books, Papers, Deeds, or Documents produced, if the Originals thereof are required and specified by the Order, or otherwise such Copies thereof or Extracts therefrom, authenticated by the Sheriff, as may be necessary; and in case any Person so summoned fails to appear at the Time and Place specified, or appearing refuses to be examined or to make the Production required, the Sheriff shall proceed against such Person as a Witness or Haver duly cited, and failing to appear or refusing to give Evidence or make Production may be proceeded against by the Law of *Scotland;* and the Sheriff shall be entitled to such and the like Fees, and the Witness shall be entitled to such and the like Allowances, as Sheriffs when acting as Commissioners under Appointment from the Court of Session and as Witnesses and Havers are entitled to in the like Cases according to the Law and Practice of *Scotland:* If any Objection is stated to the Sheriff by the Witness, either on the Ground of his Incompetency as a Witness, or as to the Production required to be made, or on any other Ground whatever,

ever, the Sheriff may, if he thinks fit, report such Objection to the Court, and suspend the Examination of such Witness until such Objection has been disposed of by the Court.

Affidavits, &c. may be sworn in Ireland, Scotland, or the Colonies before any competent Court or Person.

CXXVIII. Any Affidavit, Affirmation, or Declaration required to be sworn or made, under the Provisions or for the Purposes of this Part of this Act, may be lawfully sworn or made in *Great Britain* or *Ireland*, or in any Colony, Island, Plantation, or Place under the Dominion of Her Majesty in Foreign Parts, before any Court, Judge, or Person lawfully authorized to take and receive Affidavits, Affirmations, or Declarations, or before any of Her Majesty's Consuls or Vice-Consuls, in any Foreign Parts out of Her Majesty's Dominions, and all Courts, Judges, Justices, Commissioners, and Persons acting judically shall take judicial Notice of the Seal or Stamp or Signature (as the Case may be) of any such Court, Judge, Person, Consul, or Vice-Consul attached, appended, or subscribed to any such Affidavit, Affirmation, or Declaration, or to any other Document to be used for the Purposes of this Part of this Act.

Voluntary Winding-up of Company.

CXXIX. A Company under this Act may be wound up voluntarily,

Circumstances under which Company may be wound up voluntarily.

(1.) Whenever the Period, if any, fixed for the Duration of the Company by the Articles of Association expires, or whenever the Event, if any, occurs, upon the Occurrence of which it is provided by the Articles of Association that the Company is to be dissolved, and the Company in General Meeting has passed a Resolution requiring the Company to be wound up voluntarily:

(2.) Whenever the Company has passed a Special Resolution requiring the Company to be wound up voluntarily:

(3.) Whenever the Company has passed an Extraordinary Resolution to the Effect that it has been proved to their Satisfaction that the Company cannot by reason of its Liabilities continue its Business, and that it is advisable to wind up the same:

For the Purposes of this Act any Resolution shall be deemed to be extraordinary which is passed in such Manner as would, if it had been confirmed by a subsequent Meeting, have constituted a Special Resolution as herein-before defined.

Commencement of voluntary Winding-up.

CXXX. A voluntary Winding-up shall be deemed to commence at the Time of the passing of the Resolution authorizing such Winding-up.

CXXXI. Whenever

Effect of voluntarily Winding-up on Status of Company.

CXXXI. Whenever a Company is wound up voluntarily the Company shall, from the Date of the Commencement of such Winding-up, cease to carry on its Business, except in so far as may be required for the beneficial Winding-up thereof, and all Transfers of Shares except Transfers made to or with the Sanction of the Liquidators, or Alteration in the Status of the Members of the Company taking place after the Commencement of such Winding-up shall be void, but its Corporate State and all its Corporate Powers shall, notwithstanding it is otherwise provided by its Regulations, continue until the Affairs of the Company are wound up.

Notice of Resolution to wind up voluntarily.

CXXXII. Notice of any Special Resolution or Extraordinary Resolution passed for winding up a Company voluntarily shall be given by Advertisement as respects Companies registered in *England* in the *London Gazette*, as respects Companies registered in *Scotland* in the *Edinburgh Gazette*, and as respects Companies registered in *Ireland* in the *Dublin Gazette*.

Consequences of voluntarily Winding-up.

CXXXIII. The following Consequences shall ensue upon the voluntary Winding-up of a Company:

(1.) The Property of the Company shall be applied in satisfaction of its Liabilities *pari passu*, and, subject thereto, shall, unless it be otherwise provided by the Regulations of the Company, be distributed amongst the Members according to their Rights and Interests in the Company:

(2.) Liquidators shall be appointed for the Purpose of winding up the Affairs of the Company and distributing the Property:

(3.) The Company in General Meeting shall appoint such Persons or Person as it thinks fit to be Liquidators or a Liquidator, and may fix the Remuneration to be paid to them or him:

(4.) If One Person only is appointed, all the Provisions herein contained in reference to several Liquidators shall apply to him:

(5.) Upon the Appointment of Liquidators all the Power of the Directors shall cease, except in so far as the Company in General Meeting or the Liquidators may sanction the Continuance of such Powers:

(6.) When several Liquidators are appointed, every Power hereby given may be exercised by such One or more of them as may be determined at the Time of their Appointment, or in default of such Determination by any Number not less than Two:

(7.) The Liquidators may, without the Sanction of the Court, exercise

exercise all Powers by this Act given to the Official Liquidator:

(8.) The Liquidators may exercise the Powers herein-before given to the Court of settling the List of Contributories of the Company, and any List so settled shall be *primâ facie* Evidence of the Liability of the Persons named therein to be Contributories:

(9.) The Liquidators may at any Time after the passing of the Resolution for winding up the Company, and before they have ascertained the Sufficiency of the Assets of the Company, call on all or any of the Contributories for the Time being settled on the List of Contributories to the Extent of their Liability to pay all or any Sums they deem necessary to satisfy the Debts and Liabilities of the Company, and the Costs, Charges, and Expenses of winding it up, and for the Adjustment of the Rights of the Contributories amongst themselves, and the Liquidators may in making a Call take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the same:

(10.) The Liquidators shall pay the Debts of the Company, and adjust the Rights of the Contributories amongst themselves.

Effect of Winding-up on Share Capital of Company limited by Guarantee.

CXXXIV. Where a Company limited by Guarantee, and having a Capital divided into Shares, is being wound up voluntarily, any Share Capital that may not have been called up shall be deemed to be Assets of the Company, and to be a Specialty Debt due from each Member to the Company to the Extent of any Sums that may be unpaid on any Shares held by him, and payable at such Time as may be appointed by the Liquidators.

Power of Company to delegate Authority to appoint Liquidators.

CXXXV. A Company about to be wound up voluntarily, or in the course of being wound up voluntarily, may, by an Extraordinary Resolution, delegate to its Creditors, or to any Committee of its Creditors, the Power of appointing Liquidators or any of them, and supplying any Vacancies in the Appointment of Liquidators, or may by a like Resolution enter into any Arrangement with respect to the Powers to be exercised by the Liquidators, and the Manner in which they are to be exercised; and any Act done by the Creditors, in pursuance of such delegated Power, shall have the same Effect as if it had been done by the Company.

Arrangement when binding on Creditors.

CXXXVI. Any Arrangement entered into between a Company about to be wound up voluntarily, or in the course of being

being wound up voluntarily, and its Creditors, shall be binding on the Company if sanctioned by an Extraordinary Resolution, and on the Creditors if acceded to by Three Fourths in Number and Value of the Creditors, subject to such Right of Appeal as is herein-after mentioned.

Power of Creditor or Contributory to appeal.

CXXXVII. Any Creditor or Contributory of a Company that has in manner aforesaid entered into any Arrangement with its Creditors may, within Three Weeks from the Date of the Completion of such Arrangement, appeal to the Court against such Arrangement, and the Court may thereupon, as it thinks just, amend, vary, or confirm the same.

Power for Liquidators or Contributories in voluntary Winding-up to apply to Court.

CXXXVIII. Where a Company is being wound up voluntarily the Liquidators or any Contributory of the Company may apply to the Court in *England, Ireland*, or *Scotland*, or to the Lord Ordinary on the Bills in *Scotland* in Time of Vacation, to determine any Question arising in the Matter of such Winding-up, or to exercise, as respects the enforcing of Calls, or in respect of any other Matter, all or any of the Powers which the Court might exercise if the Company were being wound up by the Court; and the Court or Lord Ordinary in the Case aforesaid, if satisfied that the Determination of such Question, or the required Exercise of Power, will be just and beneficial, may accede, wholly or partially, to such Application, on such Terms and subject to such Conditions as the Court thinks fit, or it may make such other Order, Interlocutor, or Decree on such Application as the Court thinks just.

Power of Liquidators to call General Meeting.

CXXXIX. Where a Company is being wound up voluntarily the Liquidators may, from Time to Time, during the Continuance of such Winding-up, summon General Meetings of the Company for the Purpose of obtaining the Sanction of the Company by Special Resolution or Extraordinary Resolution, or for any other Purposes they think fit; and in the event of the Winding-up continuing for more than One Year, the Liquidators shall summon a General Meeting of the Company at the End of the First Year, and of each succeeding Year from the Commencement of the Winding-up, or as soon thereafter as may be convenient, and shall lay before such Meeting an Account showing their Acts and Dealings, and the Manner in which the Winding-up has been conducted during the preceding Year.

Power to fill up Vacancy in Liquidators.

CXL. If any Vacancy occurs in the Office of Liquidators appointed by the Company, by Death, Resignation, or otherwise, the Company in General Meeting may, subject to any Arrangement they may have entered into with their Creditors, fill up such Vacancy, and a General Meeting for the Purpose of filling up such Vacancy may be convened by the continuing Liquidators,

Liquidators, if any, or by any Contributory of the Company, and shall be deemed to have been duly held if held in manner prescribed by the Regulations of the Company, or in such other Manner as may, on Application by the continuing Liquidator, if any, or by any Contributory of the Company, be determined by the Court.

Power of Court to appoint Liquidators.

CXLI. If from any Cause whatever there is no Liquidator acting in the Case of a voluntary Winding-up, the Court may, on the Application of a Contributory, appoint a Liquidator or Liquidators: The Court may also, on due Cause shown, remove any Liquidator, and appoint another Liquidator to act in the Matter of a voluntary Winding-up.

Liquidators on Conclusion of Winding-up to make up an Account.

CXLII. As soon as the Affairs of the Company are fully wound up, the Liquidators shall make up an Account showing the Manner in which such Winding-up has been conducted, and the Property of the Company disposed of; and thereupon they shall call a General Meeting of the Company for the Purpose of having the Account laid before them and hearing any Explanation that may be given by the Liquidators: The Meeting shall be called by Advertisement, specifying the Time, Place, and Object of such Meeting; and such Advertisement shall be published One Month at least previously to the Meeting as respects Companies registered in *England* in the *London Gazette*, and as respects Companies registered in *Scotland* in the *Edinburgh Gazette*, and as respects Companies registered in *Ireland* in the *Dublin Gazette*.

Liquidators to report Meeting to Registrar.

CXLIII. The Liquidators shall make a Return to the Registrar of such Meeting having been held, and of the Date at which the same was held, and on the Expiration of Three Months from the Date of the Registration of such Return the Company shall be deemed to be dissolved: If the Liquidators make default in making such Return to the Registrar they shall incur a Penalty not exceeding Five Pounds for every Day during which such Default continues.

Cost of voluntary Liquidation.

CXLIV. All Costs, Charges, and Expenses properly incurred in the voluntary Winding-up of a Company, including the Remuneration of the Liquidators, shall be payable out of the Assets of the Company in priority to all other Claims.

Saving of Rights of Creditors.

CXLV. The voluntary Winding-up of a Company shall not be a Bar to the Right of any Creditor of such Company to have the same wound up by the Court, if the Court is of opinion that the Rights of such Creditor will be prejudiced by a voluntary Winding-up.

Power of Court to adopt Proceedings of

CXLVI. Where a Company is in course of being wound up voluntarily, and Proceedings are taken for the Purpose of having the same wound up by the Court, the Court may, if it thinks

thinks fit, notwithstanding that it makes an Order directing the Company to be wound up by the Court, provide in such Order or in any other Order for the Adoption of all or any of the Proceedings taken in the course of the voluntary Winding-up. voluntary Winding-up.

Winding up subject to the Supervision of the Court.

CXLVII. When a Resolution has been passed by a Company to wind up voluntarily, the Court may make an Order directing that the voluntary Winding-up should continue, but subject to such Supervision of the Court, and with such Liberty for Creditors, Contributories, or others, to apply to the Court, and generally upon such Terms and subject to such Conditions as the Court thinks just. Power of Court, on Application, to direct Winding-up, subject to Supervision.

CXLVIII. A Petition, praying wholly or in part that a voluntary Winding-up should continue, but subject to the Supervision of the Court, and which Winding-up is herein-after referred to as a Winding-up subject to the Supervision of the Court, shall, for the Purpose of giving Jurisdiction to the Court over Suits and Actions, be deemed to be a Petition for winding up the Company by the Court. Petition for winding up, subject to Supervision.

CXLIX. The Court may, in determining whether a Company is to be wound up altogether by the Court or subject to the Supervision of the Court, in the Appointment of Liquidator or Liquidators, and in all other Matters relating to the winding up subject to Supervision, have regard to the Wishes of the Creditors or Contributories as proved to it by any sufficient Evidence, and may direct Meetings of the Creditors or Contributories to be summoned, held, and regulated in such Manner as the Court directs for the Purpose of ascertaining their Wishes, and may appoint a Person to act as Chairman of any such Meeting, and to report the Result of such Meeting to the Court: In the Case of Creditors, regard shall be had to the Value of the Debts due to each Creditor, and in the Case of Contributories to the Number of Votes conferred on each Contributory by the Regulations of the Company. Court may have regard to Wishes of Creditors.

CL. Where any Order is made by the Court for a Winding-up subject to the Supervision of the Court, the Court may, in such Order or in any subsequent Order, appoint any additional Liquidator or Liquidators; and any Liquidators so appointed by the Court shall have the same Powers, be subject to the same Obligations, and in all respects stand in the same Position as if they had been appointed by the Company: The Court may from Time to Time remove any Liquidators so appointed by the Court, and fill up any Vacancy occasioned by such Removal, or by Death or Resignation. Power to Court to appoint additional Liquidators in Winding-up subject to Supervision.

CLI. Where an Order is made for a Winding-up subject to the Effect of Order of

Court for winding-up subject to Supervision.

the Supervision of the Court, the Liquidators appointed to conduct such Winding-up may, subject to any Restrictions imposed by the Court, exercise all their Powers, without the Sanction or Intervention of the Court, in the same Manner as if the Company were being wound up altogether voluntarily; but, save as aforesaid, any Order made by the Court for a Winding-up, subject to the Supervision of the Court, shall for all Purposes, including the staying of Actions, Suits, and other Proceedings, be deemed to be an Order of the Court for winding up the Company by the Court, and shall confer full Authority on the Court to make Calls, or to enforce Calls made by the Liquidators, and to exercise all other Powers which it might have exercised if an Order had been made for winding up the Company altogether by the Court, and in the Construction of the Provisions whereby the Court is empowered to direct any Act or Thing to be done to or in favour of the Official Liquidators, the Expression Official Liquidators shall be deemed to mean the Liquidators conducting the Winding-up, subject to the Supervision of the Court.

Appointment in certain Cases of voluntary Liquidators to Office of Official Liquidators.

CLII. Where an Order has been made for the Winding-up of a Company subject to the Supervision of the Court, and such Order is afterwards superseded by an Order directing the Company to be wound up compulsorily, the Court may in such last-mentioned Order, or in any subsequent Order, appoint the voluntary Liquidators or any of them, either provisionally or permanently, and either with or without the Addition of any other Persons, to be Official Liquidators.

Supplemental Provisions.

Dispositions after the Commencement of the Winding-up avoided.

CLIII. Where any Company is being wound up by the Court or subject to the Supervision of the Court all Dispositions of the Property, Effects, and Things in Action of the Company, and every Transfer of Shares, or Alteration in the Status of the Members of the Company made between the Commencement of the winding up and the Order for winding up, shall, unless the Court otherwise orders, be void.

The Books of the Company to be Evidence.

CLIV. Where any Company is being wound up, all Books, Accounts, and Documents of the Company and of the Liquidators shall, as between the Contributories of the Company, be *primâ facie* Evidence of the Truth of all Matters purporting to be therein recorded.

As to Disposal of Books, Accounts, and Documents of the Company.

CLV. Where any Company has been wound up under this Act and is about to be dissolved, the Books, Accounts, and Documents of the Company and of the Liquidators may be disposed of in the following Way; that is to say, where the Company has been wound up by or subject to the Supervision of

of the Court, in such Way as the Court directs, and where the Company has been wound up voluntarily, in such Way as the Company by an Extraordinary Resolution directs; but after the Lapse of Five Years from the Date of such Dissolution, no Responsibility shall rest on the Company, or the Liquidators, or anyone to whom the Custody of such Books, Accounts, and Documents has been committed, by reason that the same, or any of them, cannot be made forthcoming to any Party or Parties claiming to be interested therein.

Inspection of Books.

CLVI. Where an Order has been made for winding up a Company by the Court, or subject to the Supervision of the Court, the Court may make such Order for the Inspection by the Creditors and Contributories of the Company of its Books and Papers as the Court thinks just, and any Books and Papers in the Possession of the Company may be inspected by Creditors or Contributories, in conformity with the Order of the Court, but not further or otherwise.

Power of Assignee to sue.

CLVII. Any Person to whom any Thing in Action belonging to the Company is assigned, in pursuance of this Act, may bring or defend any Action or Suit relating to such Thing in Action in his own Name.

Debts of all Descriptions to be proved.

CLVIII. In the event of any Company being wound up under this Act, all Debts payable on a Contingency, and all Claims against the Company, present or future, certain or contingent, ascertained or sounding only in Damages, shall be admissible to Proof against the Company, a just Estimate being made, so far as is possible, of the Value of all such Debts or Claims as may be subject to any Contingency or sound only in Damages, or for some other Reason do not bear a certain Value.

General Scheme of Liquidation may be sanctioned.

CLIX. The Liquidators may, with the Sanction of the Court, where the Company is being wound up by the Court or subject to the Supervision of the Court, and with the Sanction of an Extraordinary Resolution of the Company where the Company is being wound up altogether voluntarily, pay any Classes of Creditors in full, or make such Compromise or other Arrangement as the Liquidators may deem expedient with Creditors or Persons claiming to be Creditors, or Persons having or alleging themselves to have any Claim, present or future, certain or contingent, ascertained or sounding only in Damages against the Company, or whereby the Company may be rendered liable.

Power to compromise.

CLX. The Liquidators may, with the Sanction of the Court, where the Company is being wound up by the Court or subject to the Supervision of the Court, and with the Sanction of an Extraordinary Resolution of the Company where the Company

pany is being wound up altogether voluntarily, compromise all Calls and Liabilities to Calls, Debts, and Liabilities capable of resulting in Debts, and all Claims, whether present or future, certain or contingent, ascertained or sounding only in Damages, subsisting or supposed to subsist between the Company and any Contributory or alleged Contributory, or other Debtor or Person apprehending Liability to the Company, and all Questions in any way relating to or affecting the Assets of the Company or the winding up of the Company, upon the Receipt of such Sums, payable at such Times, and generally upon such Terms as may be agreed upon, with Power for the Liquidators to take any Security for the Discharge of such Debts or Liabilities, and to give complete Discharges in respect of all or any such Calls, Debts, or Liabilities.

Power for Liquidators to accept Shares, &c. as a Consideration for Sale of Property of Company.

CLXI. Where any Company is proposed to be or is in the course of being wound up altogether voluntarily, and the whole or a Portion of its Business or Property is proposed to be transferred or sold to another Company, the Liquidators of the first-mentioned Company may, with the Sanction of a Special Resolution of the Company by whom they were appointed, conferring either a general Authority on the Liquidators, or an Authority in respect of any particular Arrangement, receive in Compensation or part Compensation for such Transfer or Sale Shares, Policies, or other like Interests in such other Company, for the Purpose of Distribution amongst the Members of the Company being wound up, or may enter into any other Arrangement whereby the Members of the Company being wound up may, in lieu of receiving Cash, Shares, Policies, or other like Interests, or, in addition thereto, participate in the Profits of or receive any other Benefit from the purchasing Company; and any Sale made or Arrangement entered into by the Liquidators in pursuance of this Section shall be binding on the Members of the Company being wound up; subject to this Proviso that if any Member of the Company being wound up who has not voted in favour of the Special Resolution passed by the Company of which he is a Member at either of the Meetings held for passing the same expresses his Dissent from any such Special Resolution in Writing addressed to the Liquidators or One of them, and left at the registered Office of the Company not later than Seven Days after the Date of the Meeting at which such Special Resolution was passed, such dissentient Member may require the Liquidators to do One of the following Things as the Liquidators may prefer; that is to say, either to abstain from carrying such Resolution into effect, or to purchase the Interest held by such dissentient Member at a Price to be determined

mined in manner herein-after mentioned, such Purchase Money to be paid before the Company is dissolved, and to be raised by the Liquidators in such Manner as may be determined by Special Resolution: No Special Resolution shall be deemed invalid for the Purposes of this Section by Reason that it is passed antecedently to or concurrently with any Resolution for winding up the Company, or for appointing Liquidators; but if an Order be made within a Year for winding up the Company by or subject to the Supervision of the Court, such Resolution shall not be of any Validity unless it is sanctioned by the Court.

Mode of determining Price.

CLXII. The Price to be paid for the Purchase of the Interest of any dissentient Member may be determined by Agreement, but if the Parties dispute about the same, such Dispute shall be settled by Arbitration, and for the Purposes of such Arbitration the Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration, shall be incorporated with this Act; and in the Construction of such Provisions this Act shall be deemed to be the Special Act, and "the Company" shall mean the Company that is being wound up, and any Appointment by the said incorporated Provisions directed to be made under the Hand of the Secretary, or any Two of the Directors, may be made under the Hand of the Liquidator, if only One, or any Two or more of the Liquidators if more than One.

Certain Attachments, Sequestrations, and Executions to be void.

CLXIII. Where any Company is being wound up by the Court or subject to the Supervision of the Court, any Attachment, Sequestration, Distress, or Execution put in force against the Estate or Effects of the Company after the Commencement of the Winding-up shall be void to all Intents.

Fraudulent Preference.

CLXIV. Any such Conveyance, Mortgage, Delivery of Goods, Payment, Execution, or other Act relating to Property as would, if made or done by or against any individual Trader, be deemed in the event of his Bankruptcy to have been made or done by way of undue or fraudulent Preference of the Creditors of such Trader, shall, if made or done by or against any Company, be deemed, in the event of such Company being wound up under this Act, to have been made or done by way of undue or fraudulent Preference of the Creditors of such Company, and shall be invalid accordingly; and for the Purposes of this Section the Presentation of a Petition for winding up a Company shall in the Case of a Company being wound up by the Court or subject to the Supervision of the Court, and a Resolution for winding up the Company shall in the Case of a voluntary Winding-up, be deemed to correspond with the Act of Bankruptcy in the Case of an individual

individual Trader; and any Conveyance or Assignment made by any Company formed under this Act of all its Estate and Effects to Trustees for the Benefit of all its Creditors shall be void to all Intents.

Power of Court to assess Damages against delinquent Directors and Officers.

CLXV. Where, in the course of the Winding-up of any Company under this Act, it appears that any past or present Director, Manager, Official, or other Liquidator, or any Officer of such Company, has misapplied or retained in his own Hands or become liable or accountable for any Moneys of the Company, or been guilty of any Misfeasance or Breach of Trust in relation to the Company, the Court may, on the Application of any Liquidator, or of any Creditor or Contributory of the Company, notwithstanding that the Offence is one for which the Offender is criminally responsible, examine into the Conduct of such Director, Manager, or other Officer, and compel him to repay any Moneys so misapplied or retained, or for which he has become liable or accountable, together with Interest after such Rate as the Court thinks just, or to contribute such Sums of Money to the Assets of the Company by way of Compensation in respect of such Misapplication, Retainer, Misfeasance, or Breach of Trust, as the Court thinks just.

Penalty on Falsification of Books.

CLXVI. If any Director, Officer, or Contributory of any Company wound-up under this Act destroys, mutilates, alters, or falsifies any Books, Papers, Writings, or Securities, or makes or is privy to the making of any false or fraudulent Entry in any Register, Book of Account, or other Document belonging to the Company with Intent to defraud or deceive any Person, every Person so offending shall be deemed to be guilty of a Misdemeanour, and upon being convicted shall be liable to Imprisonment for any Term not exceeding Two Years, with or without Hard Labour.

Prosecution of delinquent Directors in the Case of winding up by Court.

CLXVII. Where any Order is made for winding up a Company by the Court or subject to the Supervision of the Court, if it appear in the course of such Winding-up that any past or present Director, Manager, Officer, or Member of such Company has been guilty of any Offence in relation to the Company for which he is criminally responsible, the Court may, on the Application of any Person interested in such Winding-up, or of its own Motion, direct the Official Liquidators, or the Liquidators, (as the Case may be,) to institute and conduct a Prosecution or Prosecutions for such Offence, and may order the Costs and Expenses to be paid out of the Assets of the Company.

Prosecution of de-

CLXVIII. Where a Company is being wound up altogether voluntarily, if it appear to the Liquidators conducting such Winding-up

Winding-up that any past or present Director, Manager, Officer, or Member of such Company has been guilty of any Offence in relation to the Company for which he is criminally responsible, it shall be lawful for the Liquidators, with the previous Sanction of the Court, to prosecute such Offender, and all Expenses properly incurred by them in such Prosecution shall be payable out of the Assets of the Company in priority to all other Liabilities. linquent Directors, &c., in case of voluntary Winding-up.

CLXIX. If any Person, upon any Examination upon Oath or Affirmation authorized under this Act, or in any Affidavit, Deposition, or solemn Affirmation in or about the Winding-up of any Company under this Act, or otherwise in or about any Matter arising under this Act, wilfully and corruptly gives false Evidence, he shall, upon Conviction, be liable to the Penalties of wilful Perjury. Penalty of Perjury.

Power of Courts to make Rules.

CLXX. In *England* the Lord Chancellor of *Great Britain*, with the Advice and Consent of the Master of the Rolls, and any One of the Vice Chancellors for the Time being, or with the Advice and Consent of any Two of the Vice Chancellors, may, as often as Circumstances require, make such Rules concerning the Mode of Proceeding to be had for winding up a Company in the Court of Chancery as may from Time to Time seem necessary, but until such Rules are made the general Practice of the Court of Chancery, including the Practice hitherto in use in winding up Companies, shall, so far as the same is applicable and not inconsistent with this Act, apply to all Proceedings for winding up a Company. Power of Lord Chancellor of Great Britain to make Rules.

CLXXI. In *Scotland* the Court of Session may make such Rules concerning the Mode of Winding-up as may be necessary by Act of Sederunt; but, until such Rules are made, the general Practice of the Court of Session in Suits pending in such Court shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings for winding up a Company, and Official Liquidators shall in all respects be considered as possessing the same Powers as any Trustee on a Bankrupt Estate. Power of Court of Session in Scotland to make Rules.

CLXXII. The Vice Warden of the Stannaries may from Time to Time, with the Consent provided for by Section Twenty-three of the Act of Eighteenth of *Victoria*, Chapter Thirty-two, make Rules for carrying into effect the Powers conferred by this Act upon the Court of the Vice Warden, but, subject to such Rules, the general Practice of the said Court and of the Registrar's Office in the said Court, including the present Power to make Rules in Stannaries Court.

Practice of the said Court in winding up Companies may be applied to all Proceedings under this Act; the said Vice Warden may likewise, with the same Consent, make from Time to Time Rules for specifying the Fees to be taken in his said Court in Proceedings under this Act; and any Rules so made shall be of the same Force as if they had been enacted in the Body of this Act; and the Fees paid in respect of Proceeding taken under this Act, including Fees taken under "The Joint Stock Companies Act, 1856," in the Matter of winding up Companies, shall be applied exclusively towards Payment of such additional Officers, or such Increase of the Salaries of existing Officers, or Pensions to retired Officers, or such other needful Expenses of the Court, as the Lord Warden of the Stannaries shall from Time to Time, on the Application of the Vice Warden or otherwise, think fit to direct, sanction, or assign, and meanwhile shall be kept as a separate Fund apart from the ordinary Fees of the Court arising from other Business, to await such Direction and Order of the Lord Warden herein, and to accumulate by Investment in Government Securities until the whole shall have been so appropriated.

Power of Lord Chancellor of Ireland to make Rules.

CLXXIII. In *Ireland* the Lord Chancellor of *Ireland* may, as respects the Winding-up of Companies in *Ireland*, with the Advice and Consent of the Master of the Rolls in *Ireland*, exercise the same Power of making Rules as is by this Act herein-before given to the Lord Chancellor of *Great Britain;* but until such Rules are made the general Practice of the Court of Chancery in *Ireland*, including the Practice hitherto in use in *Ireland* in winding up Companies, shall, so far as the same is applicable and not inconsistent with this Act, apply to all Proceedings for winding up a Company.

PART V.

Registration Office.

Constitution of Registration Office.

CLXXIV. The Registration of Companies under this Act shall be conducted as follows; (that is to say,)

(1.) The Board of Trade may from Time to Time appoint such Registrars, Assistant Registrars, Clerks, and Servants as they may think necessary for the Registration of Companies under this Act, and remove them at pleasure:

(2.) The Board of Trade may make such Regulations as they think fit with respect to the Duties to be performed by any such Registrars, Assistant Registrars, Clerks, and Servants as aforesaid:

(3.) The

(3.) The Board of Trade may from Time to Time determine the Places at which Offices for the Registration of Companies are to be established, so that there be at all Times maintained in each of the Three Parts of the United Kingdom at least One such Office, and that no Company shall be registered except at an Office within that Part of the United Kingdom in which by the Memorandum of Association the registered Office of the Company is declared to be established; and the Board may require that the Registrar's Office of the Court of the Vice Warden of the Stannaries shall be One of the Offices for the Registration of Companies formed for working Mines within the Jurisdiction of the Court:

(4.) The Board of Trade may from Time to Time direct a Seal or Seals to be prepared for the Authentication of any Documents required for or connected with the Registration of Companies:

(5.) Every Person may inspect the Documents kept by the Registrar of Joint Stock Companies; and there shall be paid for such Inspection such Fees as may be appointed by the Board of Trade, not exceeding One Shilling for each Inspection; and any Person may require a Certificate of the Incorporation of any Company, or a Copy or Extract of any other Document or any Part of any other Document, to be certified by the Registrar; and there shall be paid for such Certificate of Incorporation, certified Copy, or Extract such Fees as the Board of Trade may appoint, not exceeding Five Shillings for the Certificate of Incorporation, and not exceeding Sixpence for each Folio of such Copy or Extract, or in *Scotland* for each Sheet of Two hundred Words:

(6.) The existing Registrar, Assistant Registrars, Clerks, and other Officers and Servants in the Office for the Registration of Joint Stock Companies shall, during the Pleasure of the Board of Trade, hold the Offices and receive the Salaries hitherto held and received by them, but they shall in the Execution of their Duties conform to any Regulations that may be issued by the Board of Trade:

(7.) There shall be paid to any Registrar, Assistant Registrar, Clerk, or Servant that may hereafter be employed in the Registration of Joint Stock Companies such Salary as the Board of Trade may, with the Sanction

Sanction of the Commissioners of the Treasury, direct:

(8.) Whenever any Act is herein directed to be done to or by the Registrar of Joint Stock Companies, such Act shall, until the Board of Trade otherwise directs, be done in *England* to or by the existing Registrar of Joint Stock Companies, or in his Absence to or by such Person as the Board of Trade may for the Time being authorize; in *Scotland* to or by the existing Registrar of Joint Stock Companies in *Scotland;* and in *Ireland* to or by the existing Assistant Registrar of Joint Stock Companies for *Ireland,* or by such Person as the Board of Trade may for the Time being authorize in *Scotland* or *Ireland* in the Absence of the Registrar; but in the event of the Board of Trade altering the Constitution of the existing Registry Office, such Act shall be done to or by such Officer or Officers and at such Place or Places with reference to the local Situation of the registered Offices of the Companies to be registered as the Board of Trade may appoint.

PART VI.

Application of Act to Companies registered under the Joint Stock Companies Acts.

Definition of Joint Stock Companies Acts.

CLXXV. The Expression "Joint Stock Companies Acts" as used in this Act shall mean "The Joint Stock Companies Act, 1856," "The Joint Stock Companies Acts, 1856, 1857," "The Joint Stock Banking Companies Act, 1857," and "The Act to enable Joint Stock Banking Companies to be formed on the Principle of Limited Liability," or any One or more of such Acts, as the Case may require; but shall not include the Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, and intituled *An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies.*

Application of Act to Companies formed under JointStock Companies Acts.

CLXXVI. Subject as herein-after mentioned, this Act, with the Exception of Table A. in the First Schedule, shall apply to Companies formed and registered under the said Joint Stock Companies Acts, or any of them, in the same Manner in the Case of a Limited Company as if such Company had been formed and registered under this Act as a Company limited by Shares, and in the Case of a Company other than a Limited Company as if such Company had been formed and registered as an Unlimited Company under this Act, with this Qualification, that wherever Reference is made expressly or impliedly

impliedly to the Date of Registration, such Date shall be deemed to refer to the Date at which such Companies were respectively registered under the said Joint Stock Companies Acts or any of them, and the Power of altering Regulations by Special Resolution given by this Act shall, in the Case of any Company formed and registered under the said Joint Stock Companies Acts or any of them, extend to altering any Provisions contained in the Table marked B. annexed to "The Joint Stock Companies Act, 1856," and shall also in the Case of an Unlimited Company formed and registered as last aforesaid extend to altering any Regulations relating to the Amount of Capital or its Distribution into Shares, notwithstanding such Regulations are contained in the Memorandum of Association.

Application of Act to Companies registered under Joint Stock Companies Acts.

CLXXVII. This Act shall apply to Companies registered but not formed under the said Joint Stock Companies Acts or any of them in the same Manner as it is herein-after declared to apply to Companies registered but not formed under this Act, with this Qualification, that wherever Reference is made expressly or impliedly to the Date of Registration, such Date shall be deemed to refer to the Date at which such Companies were respectively registered under the said Joint Stock Companies Acts or any of them.

Mode of transferring Shares.

CLXXVIII. Any Company registered under the said Joint Stock Companies Acts or any of them may cause its Shares to be transferred in manner hitherto in use, or in such other Manner as the Company may direct.

PART VII.

COMPANIES AUTHORISED TO REGISTER UNDER THIS ACT.

Regulations as to Registration of existing Companies.

CLXXIX. The following Regulations shall be observed with respect to the Registration of Companies under this Part of this Act; (that is to say,)

(1.) No Company having the Liability of its Members limited by Act of Parliament or Letters Patent, and not being a Joint Stock Company as herein-after defined, shall register under this Act in pursuance of this Part thereof:

(2.) No Company having the Liability of its Members limited by Act of Parliament or by Letters Patent shall register under this Act in pursuance of this Part thereof as an Unlimited Company, or as a Company limited by Guarantee:

(3.) No Company that is not a Joint Stock Company as herein-after defined, shall in pursuance of this Part of this

this Act register under this Act as a Company limited by Shares:

(4.) No Company shall register under this Act in pursuance of this Part thereof unless an Assent to its so registering is given by a Majority of such of its Members as may be present, personally or by Proxy, in Cases where Proxies are allowed by the Regulations of the Company, at some General Meeting summoned for the Purpose:

(5.) Where a Company not having the Liability of its Members limited by Act of Parliament or Letters Patent is about to register as a Limited Company, the Majority required to assent as aforesaid shall consist of not less than Three Fourths of the Members present, personally or by Proxy, at such last-mentioned General Meeting:

(6.) Where a Company is about to register as a Company limited by Guarantee the Assent to its being so registered shall be accompanied by a Resolution declaring that each Member undertakes to contribute to the Assets of the Company, in the event of the same being wound up, during the Time that he is a Member, or within One Year afterwards, for Payment of the Debts and Liabilities of the Company contracted before the Time at which he ceased to be a Member, and of the Costs, Charges, and Expenses of winding up the Company, and for the Adjustment of the Rights of the Contributories amongst themselves, such Amount as may be required, not exceeding a specified Amount:

In computing any Majority under this Section when a Poll is demanded regard shall be had to the Number of Votes to which each Member is entitled according to the Regulations of the Company of which he is a Member.

Companies capable of being registered.

CLXXX. With the above Exceptions, and subject to the foregoing Regulations, every Company existing at the Time of the Commencement of this Act, including any Company registered under the said Joint Stock Companies Acts, consisting of Seven or more Members, and any Company hereafter formed in pursuance of any Act of Parliament other than this Act, or of Letters Patent, or being a Company engaged in working Mines within and subject to the Jurisdiction of the Stannaries, or being otherwise duly constituted by Law, and consisting of Seven or more Members, may at any Time hereafter register itself under this Act as an Unlimited Company, or a Company limited by Shares, or a Company limited by Guarantee; and no such Registration shall be invalid by reason that it has taken place with a view to the Company being wound up.

CLXXXI. For

Definition of Joint Stock Company.

CLXXXI. For the Purposes of this Part of this Act, so far as the same relates to the Description of Companies empowered to register as Companies limited by Shares, a Joint Stock Company shall be deemed to be a Company having a permanent paid-up or nominal Capital of fixed Amount, divided into Shares, also of fixed Amount, or held and transferable as Stock, or divided and held partly in one way and partly in the other, and formed on the Principle of having for its Members the Holders of Shares in such Capital, or the Holders of such Stock, and no other Persons; and such Company when registered with Limited Liability under this Act shall be deemed to be a Company limited by Shares.

Proviso as to Banking Company.

CLXXXII. No Banking Company claiming to issue Notes in the United Kingdom shall be entitled to Limited Liability in respect of such Issue, but shall continue subject to Unlimited Liability in respect thereof, and, if necessary, the Assets shall be marshalled for the Benefit of the general Creditors, and the Members shall be liable for the whole Amount of the Issue, in addition to the Sum for which they would be liable as Members of a Limited Company.

Requisitions for Registration by Companies.

CLXXXIII. Previously to the Registration in pursuance of this Part of this Act of any Joint Stock Company there shall be delivered to the Registrar the following Documents; (that is to say,)

(1.) A List showing the Names, Addresses, and Occupations of all Persons who on a Day named in such List, and not being more than Six clear Days before the Day of Registration, were Members of such Company, with the Addition of the Shares held by such Persons respectively, distinguishing, in Cases where such Shares are numbered, each Share by its Number:

(2.) A Copy of any Act of Parliament, Royal Charter, Letters Patent, Deed of Settlement, Contract of Copartnery, Cost Book Regulations, or other Instrument constituting or regulating the Company:

(3.) If any such Joint Stock Company is intended to be registered as a Limited Company, the above List and Copy shall be accompanied by a Statement specifying the following Particulars; that is to say,

The nominal Capital of the Company and the Number of Shares into which it is divided:

The Number of Shares taken and the Amount paid on each Share:

The Name of the Company, with the Addition of the Word "Limited" as the last Word thereof:

With the Addition, in the Case of a Company intended

tended to be registered as a Company limited by Guarantee, of the Resolution declaring the Amount of the Guarantee.

Requisitions for Registration by existing Company not being a Joint Stock Company.

CLXXXIV. Previously to the Registration in pursuance of this Part of this Act of any Company not being a Joint Stock Company there shall be delivered to the Registrar a List showing the Names, Addresses, and Occupations of the Directors or other Managers (if any) of the Company, also a Copy of any Act of Parliament, Letters Patent, Deed of Settlement, Contract of Copartnery, Cost Book Regulations, or other Instrument constituting or regulating the Company, with the Addition, in the Case of a Company intended to be registered as a Company limited by Guarantee, of the Resolution declaring the Amount of Guarantee.

Power for existing Company to register Amount of Stock instead of Shares.

CLXXXV. Where a Joint Stock Company authorized to register under this Act has had the whole or any Portion of its Capital converted into Stock, such Company shall, as to the Capital so converted, instead of delivering to the Registrar a Statement of Shares, deliver to the Registrar a Statement of the Amount of Stock belonging to the Company, and the Names of the Persons who were Holders of such Stock, on some Day to be named in the Statement, not more than Six clear Days before the Day of Registration.

Authentication of Statements of existing Companies.

CLXXXVI. The Lists of Members and Directors and any other Particulars relating to the Company hereby required to be delivered to the Registrar shall be verified by a Declaration of the Directors of the Company delivering the same, or any Two of them, or of any Two other principal Officers of the Company, made in pursuance of the Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, Chapter Sixty-two.

Registrar may require Evidence as to Nature of Company.

CLXXXVII. The Registrar may require such Evidence as he thinks necessary for the Purpose of satisfying himself whether an existing Company is or not a Joint Stock Company as herein-before defined.

On Registration of Banking Company with Limited Liability Notice to be given to Customers.

CLXXXVIII. Every Banking Company existing at the Date of the passing of this Act which registers itself as a Limited Company shall, at least Thirty Days previous to obtaining a Certificate of Registration with Limited Liability, give Notice that it is intended so to register the same to every Person and Partnership Firm who have a Banking Account with the Company, and such Notice shall be given either by delivering the same to such Person or Firm, or leaving the same or putting the same into the Post addressed to him or them at such Address as shall have been last communicated or otherwise become known as his or their Address to or by the Company; and

and in case the Company omits to give any such Notice as is herein-before required to be given, then as between the Company and the Person or Persons only who are for the Time being interested in the Account in respect of which such Notice ought to have been given, and so far as respects such Account and all Variations thereof down to the Time at which such Notice shall be given, but not further or otherwise, the Certificate of Registration with Limited Liability shall have no Operation.

Exemption of certain Companies from Payment of Fees.

CLXXXIX. No fees shall be charged in respect of the Registration in pursuance of this Part of this Act of any Company in Cases where such Company is not registered as a Limited Company, or where previously to its being registered as a Limited Company the Liability of the Shareholders was limited by some other Act of Parliament or by Letters Patent.

Power to Company to change Name.

CXC. Any Company authorized by this Part of this Act to register with Limited Liability shall, for the Purpose of obtaining Registration with Limited Liability, change its Name, by adding thereto the word "Limited."

Certificate of Registration of existing Companies.

CXCI. Upon compliance with the Requisitions in this Part of this Act contained with respect to Registration, and on Payment of such Fees, if any, as are payable under the Tables marked B. and C. in the First Schedule hereto, the Registrar shall certify under his Hand that the Company so applying for Registration is incorporated as a Company under this Act, and, in the Case of a Limited Company, that it is limited, and thereupon such Company shall be incorporated, and shall have perpetual Succession and a Common Seal, with Power to hold Lands; and any Banking Company in *Scotland* so incorporated, shall be deemed and taken to be a Bank incorporated, constituted, or established by or under Act of Parliament.

Certificate to be Evidence of compliance with Act.

CXCII. A Certificate of Incorporation given at any Time to any Company registered in pursuance of this Part of this Act shall be conclusive Evidence that all the Requisitions herein contained in respect of Registration under this Act have been complied with, and that the Company is authorized to be registered under this Act as a Limited or Unlimited Company, as the Case may be, and the Date of Incorporation mentioned in such Certificate shall be deemed to be the Date at which the Company is incorporated under this Act.

Transfer of Property to Company.

CXCIII. All such Property, Real and Personal, including all Interests and Rights in, to, and out of Property, Real and Personal, and including Obligations and Things in Action, as may belong to or be vested in the Company at the Date of its Registration under this Act, shall on Registration pass to and vest

vest in the Company as incorporated under this Act for all the Estate and Interest of the Company therein.

Registration under this Act not to affect Obligations incurred previously to Registration.

CXCIV. The Registration in pursuance of this Part of this Act of any Company shall not affect or prejudice the Liability of such Company to have enforced against it, or its Right to enforce, any Debt or Obligation incurred, or any Contract entered into, by, to, with, or on behalf of such Company previously to such Registration.

Continuation of existing Actions and Suits.

CXCV. All such Actions, Suits, and other legal Proceedings as may at the Time of the Registration of any Company registered in pursuance of this Part of this Act have been commenced by or against such Company, or the Public Officer or any Member thereof, may be continued in the same Manner as if such Registration had not taken place; nevertheless, Execution shall not issue against the Effects of any individual Member of such Company upon any Judgment, Decree, or Order obtained in any Action, Suit, or Proceeding so commenced as aforesaid; but in the event of the Property and Effects of the Company being insufficient to satisfy such Judgment, Decree, or Order, an Order may be obtained for winding up the Company.

Effect of Registration under Act.

CXCVI. When a Company is registered under this Act in pursuance of this Part thereof, all Provisions contained in any Act of Parliament, Deed of Settlement, Contract of Copartnery, Cost Book Regulations, Letters Patent, or other Instrument constituting or regulating the Company, including, in the Case of a Company registered as a Company Limited by Guarantee, the Resolution declaring the Amount of the Guarantee, shall be deemed to be Conditions and Regulations of the Company, in the same Manner and with the same Incidents as if they were contained in a registered Memorandum of Association and Articles of Association; and all the Provisions of this Act shall apply to such Company and the Members, Contributories, and Creditors thereof, in the same Manner in all respects as if it had been formed under this Act, subject to the Provisions following; (that is to say,)

(1.) That Table A. in the First Schedule to this Act shall not, unless adopted by Special Resolution, apply to any Company registered under this Act in pursuance of this Part thereof:

(2.) That the Provisions of this Act relating to the numbering of Shares shall not apply to any Joint Stock Company whose Shares are not numbered:

(3.) That no Company shall have Power to alter any Provision contained in any Act of Parliament relating to the Company:

(4.) That

(4.) That no Company shall have Power, without the Sanction of the Board of Trade, to alter any Provision contained in any Letters Patent relating to the Company:

(5.) That in the event of the Company being wound up, every Person shall be a Contributory, in respect of the Debts and Liabilities of the Company contracted prior to Registration, who is liable, at Law or in Equity, to pay or contribute to the Payment of any Debt or Liability of the Company contracted prior to Registration, or to pay or contribute to the Payment of any Sum for the Adjustment of the Rights of the Members amongst themselves in respect of any such Debt or Liability; or to pay or contribute to the Payment of the Costs, Charges, and Expenses of winding up the Company, so far as relates to such Debts or Liabilities as aforesaid; and every such Contributory shall be liable to contribute to the Assets of the Company, in the course of the Winding-up, all Sums due from him in respect of any such Liability as aforesaid; and in the event of the Death, Bankruptcy, or Insolvency of any such Contributory as last aforesaid, or Marriage of any such Contributory being a Female, the Provisions herein-before contained with respect to the Representatives, Heirs, and Devisees of deceased Contributories, and with reference to the Assignees of bankrupt or insolvent Contributories, and to the Husbands of married Contributories, shall apply:

(6.) That nothing herein contained shall authorize any Company to alter any such Provisions contained in any Deed of Settlement, Contract of Copartnery, Cost Book Regulations, Letters Patent, or other Instrument constituting or regulating the Company, as would, if such Company had originally been formed under this Act, have been contained in the Memorandum of Association, and are not authorized to be altered by this Act:

But nothing herein contained shall derogate from any Power of altering its Constitution or Regulations which may be vested in any Company registering under this Act in pursuance of this Part thereof by virtue of any Act of Parliament, Deed of Settlement, Contract of Copartnery, Letters Patent, or other Instrument constituting or regulating the Company.

Power of Court to restrain

CXCVII. The Court may, at any Time after the Presentation of a Petition for winding up a Company registered in pursuance of

further Proceedings.

of this Part of this Act, and before making an Order for winding up the Company, upon the Application by Motion of any Creditor of the Company, restrain further Proceedings in any Action, Suit, or legal Proceeding against any Contributory of the Company as well as against the Company as herein-before provided, upon such Terms as the Court thinks fit.

Order for winding up Company.

CXCVIII. Where an Order has been made for winding up a Company registered in pursuance of this Part of the Act, in addition to the Provisions herein-before contained, it is hereby further provided that no Suit, Action, or other legal Proceeding shall be commenced or proceeded with against any Contributory of the Company in respect of any Debt of the Company, except with the Leave of the Court, and subject to such Terms as the Court may impose.

PART VIII.

Application of Act to unregistered Companies.

Winding-up of unregistered Companies.

CXCIX. Subject as herein-after mentioned, any Partnership, Association, or Company, except Railway Companies, incorporated by Act of Parliament, consisting of more than Seven Members, and not registered under this Act, and herein-after included under the Term unregistered Company, may be wound up under this Act, and all the Provisions of this Act with respect to winding up shall apply to such Company, with the following Exceptions and Additions :

(1.) An unregistered Company shall, for the Purpose of determining the Court having Jurisdiction in the Matter of the Winding-up, be deemed to be registered in that Part of the United Kingdom where its principal Place of Business is situate ; or, if it has a principal Place of Business situate in more than One Part of the United Kingdom, then in each Part of the United Kingdom where it has a principal Place of Business ; moreover the principal Place of Business of an unregistered Company, or (where it has a principal Place of Business situate in more than One Part of the United Kingdom) such One of its principal Places of Business as is situate in that Part of the United Kingdom in which Proceedings are being instituted, shall for all the Purposes of the winding up of such Company be deemed to be the registered Office of the Company :

(2.) No unregistered Company shall be wound up under this Act voluntarily or subject to the Supervision of the Court :

(3.) The

(3.) The Circumstances under which an unregistered Company may be wound up are as follows; (that is to say,)

(*a.*) Whenever the Company is dissolved, or has ceased to carry on Business, or is carrying on Business only for the Purpose of winding up its Affairs;

(*b.*) Whenever the Company is unable to pay its Debts;

(*c.*) Whenever the Court is of opinion that it is just and equitable that the Company should be wound up;

(4.) An unregistered Company shall, for the Purposes of this Act, be deemed to be unable to pay its Debts,

(*a.*) Whenever a Creditor to whom the Company is indebted, at Law or in Equity, by Assignment or otherwise, in a Sum exceeding Fifty Pounds then due, has served on the Company, by leaving the same at the principal Place of Business of the Company, or by delivering to the Secretary or some Director or principal Officer of the Company, or by otherwise serving the same in such Manner as the Court may approve or direct, a Demand under his Hand requiring the Company to pay the Sum so due, and the Company has for the Space of Three Weeks succeeding the Service of such Demand neglected to pay such Sum, or to secure or compound for the same to the Satisfaction of the Creditor:

(*b.*) Whenever any Action, Suit, or other Proceeding has been instituted against any Member of the Company for any Debt or Demand due, or claimed to be due, from the Company, or from him in his Character of Member of the Company, and Notice in Writing of the Institution of such Action, Suit, or other legal Proceeding having been served upon the Company by leaving the same at the principal Place of Business of the Company, or by delivering it to the Secretary, or some Director, Manager, or principal Officer of the Company, or by otherwise serving the same in such Manner as the Court may approve or direct, the Company has not within Ten Days after Service of such Notice paid, secured, or compounded for such Debt or Demand, or procured such Action, Suit, or other legal Proceeding to be stayed, or indemnified the Defendant to his reasonable Satisfaction against such Action, Suit, or other legal Proceeding, and against all Costs, Damages, and Expenses to be incurred by him by reason of the same:

(*c.*) Whenever,

(*c.*) Whenever, in *England* or *Ireland*, Execution or other Process issued on a Judgment, Decree, or Order obtained in any Court in favour of any Creditor in any Proceeding at Law or in Equity instituted by such Creditor against the Company, or any Member thereof as such, or against any Person authorized to be sued as nominal Defendant on behalf of the Company, is returned unsatisfied:

(*d.*) Whenever, in the Case of an unregistered Company engaged in working Mines within and subject to the Jurisdiction of the Stannaries, a customary Decree or Order absolute for the Sale of the Machinery, Materials, and Effects of such Mine has been made in a Creditor's Suit in the Court of the Vice Warden:

(*e.*) Whenever, in *Scotland*, the Inducíæ of a Charge for Payment on an Extract Decree, or an Extract registered Bond, or an Extract registered Protest, have expired without Payment being made:

(*f.*) Whenever it is otherwise proved to the Satisfaction of the Court that the Company is unable to pay its Debts.

Who to be deemed a Contributory in the event of Company being wound up.

CC. In the event of an unregistered Company being wound up every Person shall be deemed to be a Contributory who is liable, at Law or in Equity, to pay or contribute to the Payment of any Debt or Liability of the Company, or to pay or contribute to the Payment of any Sum for the Adjustment of the Rights of the Members amongst themselves, or to pay or contribute to the Payment of the Costs, Charges, and Expenses of winding up the Company, and every such Contributory shall be liable to contribute to the Assets of the Company in the course of the Winding-up all Sums due from him in respect of any such Liability as aforesaid; but in the event of the Death, Bankruptcy, or Insolvency of any Contributory, or Marriage of any Female Contributory, the Provisions herein-before contained with respect to the Personal Representatives, Heirs, and Devisees of a deceased Contributory, and to the Assignees of a bankrupt or insolvent Contributory, and to the Husband of married Contributories, shall apply.

Power of Court to restrain further Proceedings.

CCI. The Court may, at any Time after the Presentation of a Petition for winding up an unregistered Company, and before making an Order for winding up the Company, upon the Application of any Creditor of the Company, restrain further Proceedings in any Action, Suit, or Proceeding against any Contributory of the Company, or against the Company as herein-before provided, upon such Terms as the Court thinks fit.

CCII. Where

CCII. Where an Order has been made for winding up an unregistered Company in addition to the Provisions herein-before contained in the Case of Companies formed under this Act, it is hereby further provided that no Suit, Action, or other legal Proceeding shall be commenced or proceeded with against any Contributory of the Company in respect of any Debt of the Company, except with the Leave of the Court, and subject to such Terms as the Court may impose. Effect of Order for winding up Company.

CCIII. If any unregistered Company has no Power to sue and be sued in a common Name, or if for any Reason it appears expedient, the Court may by the Order made for winding up such Company, or by any subsequent Order, direct that all such Property, Real and Personal, including all Interest, Claims, and Rights into and out of Property, Real and Personal, and including Things in Action, as may belong to or be vested in the Company, or to or in any Person or Persons on Trust for or on behalf of the Company, or any Part of such Property, is to vest in the Official Liquidator or Official Liquidators by his or their official Name or Names, and thereupon the same or such Part thereof as may be specified in the Order shall vest accordingly, and the Official Liquidator or Official Liquidators may, in his or their official Name or Names, or in such Name or Names and after giving such Indemnity as the Court directs, bring or defend any Actions, Suits, or other legal Proceeding relating to any Property vested in him or them, or any Actions, Suits, or other legal Proceedings necessary to be brought or defended for the Purposes of effectually winding up the Company and recovering the Property thereof. Provision in case of unregistered Company.

CCIV. The Provisions made by this Part of the Act with respect to unregistered Companies shall be deemed to be made in addition to and not in restriction of any Provisions herein-before contained with respect to winding up Companies by the Court, and the Court or Official Liquidator may, in addition to anything contained in this Part of the Act, exercise any Powers or do any Act in the Case of unregistered Companies which might be exercised or done by it or him in winding up Companies formed under this Act; but an unregistered Company shall not, except in the event of its being wound up, be deemed to be a Company under this Act, and then only to the Extent provided by this Part of this Act. Provisions in this Part of Act cumulative.

PART IX.

REPEAL OF ACTS, AND TEMPORARY PROVISIONS.

CCV. After the Commencement of this Act there shall be repealed the several Acts specified in the First Part of the Third Repeal of Acts.

Third Schedule hereto, with this Qualification, that so much of the said Acts as is set forth in the Second Part of the said Third Schedule shall be hereby re-enacted and continue in force as if unrepealed.

Saving Clause as to Repeal.

CCVI. No Repeal hereby enacted shall affect,

(1.) Anything duly done under any Acts hereby repealed:

(2.) The Incorporation of any Company registered under any Act hereby repealed:

(3.) Any Right or Privilege acquired or Liability incurred under any Act hereby repealed:

(4.) Any Penalty, Forfeiture, or other Punishment incurred in respect of any Offence against any Act hereby repealed:

(5.) Table B. in the Schedule annexed to the Joint Stock Companies Act, 1856, or any Part thereof, so far as the same applies to any Company existing at the Time of the Commencement of this Act.

Saving of existing Proceedings for winding up.

CCVII. Where previously to the Commencement of this Act an Order has been made for winding up a Company under any Acts or Act hereby repealed, or a Resolution has been passed for winding up a Company voluntarily, such Company shall be wound up in the same Manner and with the same Incidents as if this Act were not passed, and for the Purposes of such Winding-up such repealed Acts or Act shall be deemed to remain in full Force.

Saving of Conveyance Deeds.

CCVIII. Where previously to the Commencement of this Act any Conveyance, Mortgage, or other Deed has been made in pursuance of any Act hereby repealed, such Deed shall be of the same Force as if this Act had not passed, and for the Purposes of such Deed such repealed Act shall be deemed to remain in full Force.

Compulsory Registration of certain Companies.

CCIX. Every Insurance Company completely registered under the Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, intituled *An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies*, shall on or before the Second Day of *November* One thousand eight hundred and sixty-two, and every other Company required by any Act hereby repealed to register under the said Joint Stock Companies Acts, or One of such Acts, and which has not so registered, shall, on or before the Expiration of the Thirty-first Day from the Commencement of this Act, register itself as a Company under this Act, in manner and subject to the Regulations herein-before contained, with this Exception, that no Company completely registered under the said Act of the Eighth Year of the Reign of Her present Majesty shall be required to deliver to the Registrar a Copy of its Deed of

of Settlement; and for the Purpose of enabling such Insurance Companies as are mentioned in this Section to register under this Act, this Act shall be deemed to come into operation immediately on the passing thereof; nevertheless the Registration of such Companies shall not have any Effect until the Time of the Commencement of this Act. No Fees shall be charged in respect of the Registration of any Company required to register by this Section.

Penalty on Company not registering. 21 Vict. c. 14. s. 28.

CCX. If any Company required by the last Section to register under this Act makes default in complying with the Provisions thereof, then, from and after the Day upon which such Company is required to register under this Act, until the Day on which such Company is registered under this Act (which it is empowered to do at any Time), the following Consequences shall ensue; (that is to say,)

(1.) The Company shall be incapable of suing either at Law or in Equity, but shall not be incapable of being made a Defendant to a Suit either at Law or in Equity:

(2.) No Dividend shall be payable to any Shareholder in such Company:

(3.) Each Director or Manager of the Company shall for each Day during which the Company so being in default carries on Business incur a Penalty not exceeding Five Pounds, and such Penalty may be recovered by any Person, whether a Shareholder or not in the Company, and be applied by him to his own Use:

Nevertheless, such Default shall not render the Company so being in default illegal, nor subject it to any Penalty or Disability, other than as specified in this Section; and Registration under this Act shall cancel any Penalty or Forfeiture, and put an end to any Disability which any Company may have incurred under any Act hereby repealed by reason of its not having registered under the said Joint Stock Companies Acts, 1856, 1857, or One of them.

Temporary Power for Companies to change registered Office.

CCXI. Upon the Application of the Directors of any Company registered under the Joint Stock Companies Acts as herein-before defined, or any of them, made within One Year after the Date of the Commencement of this Act, sanctioned by a Resolution passed at an Extraordinary General Meeting, but subject to the Restrictions herein-after mentioned, the Board of Trade shall have Authority by their Certificate in Writing to change the registered Office of any such Company from any one Part of the United Kingdom of *Great Britain* and *Ireland* to any other Part thereof, and the Registrar of Joint Stock Companies with whom the Memorandum of Registration of such Company has been registered shall, upon Receipt of such Certificate,

tificate, note in Writing upon the Margin or at the Foot of the said Memorandum the Name of the Place to which such registered Office is to be transferred, and the Day upon which such Transfer is pursuant to such Certificate to take place, and shall attach the Certificate to the Memorandum, and the said Registrar shall thereupon transmit to the Registrar of Joint Stock Companies for that Part of the United Kindom to which the registered Office is to be so transferred Copies of the said Certificate and of the said Memorandum of Registration so noted certified by him; and the said Registrar for the said last-mentioned Part of the United Kingdom shall, upon Receipt of such Copies of Certificate and Memorandum, retain and register the same in like Manner, and on Payment of the like Fees to him as provided in the Case of the Registration of an original Memorandum of Registration, and thereupon the Place of the registered Office shall, from the said last-mentioned Registration and the said Day mentioned in the said Certificate, be the Place mentioned as such on the said Certificate: Provided, however, that such Change shall in nowise alter or affect anything theretofore done by the said Company, or any of their Rights or Liabilities in respect thereof.

Restrictions on Issue of Certificate.

CCXII. The Board of Trade shall not issue their Certificate in pursuance of the foregoing Section until they are satisfied that an Advertisement of the Intention of the Company to apply to the Board of Trade for a Certificate, with a Declaration that all Parties objecting thereto are forthwith to apply to the Board of Trade, has been published once at the least in each of Four successive Weeks in the Newspapers following; that is to say, in some Newspaper circulating in the District where the registered Office of the Company is situate, and also if the Company is registered in *England* in the *London Gazette*, if in *Ireland* in the *Dublin Gazette*, if in *Scotland* in the *Edinburgh Gazette*, nor until the said Board are satisfied that the Objections, if any, that may be urged against the Issue of such Certificate are groundless.

FIRST

FIRST SCHEDULE.

TABLE A.

Regulations for Management of a Company limited by Shares.

Shares.

(1.) If several Persons are registered as joint Holders of any Share, any One of such Persons may give effectual Receipts for any Dividend payable in respect of such Share.

(2.) Every Member shall, on Payment of One Shilling, or such less sum as the Company in General Meeting may prescribe, be entitled to a Certificate, under the Common Seal of the Company, specifying the Share or Shares held by him, and the Amount paid up thereon.

(3.) If such Certificate is worn out or lost, it may be renewed, on Payment of One Shilling, or such less Sum as the Company in General Meeting may prescribe.

Calls on Shares.

(4.) The Directors may from Time to Time make such Calls upon the Members in respect of all Monies unpaid on their Shares as they think fit, provided that Twenty-one Days Notice at least is given of each Call, and each Member shall be liable to pay the Amount of Calls so made to the Persons and at the Times and Places appointed by the Directors.

(5.) A Call shall be deemed to have been made at the Time when the Resolution of the Directors authorizing such Call was passed.

(6.) If the Call payable in respect of any Share is not paid before or on the Day appointed for Payment thereof, the Holder for the Time being of such Share shall be liable to pay Interest for the same at the Rate of Five Pounds per Cent. per Annum from the Day appointed for the Payment thereof to the Time of the actual Payment.

(7.) The Directors may, if they think fit, receive from any Member willing to advance the same all or any Part of the Monies due upon the Shares held by him beyond the Sums actually called for; and upon the Monies so paid in advance, or so much thereof as from Time to Time exceeds the Amount of the Calls then made upon the Shares in respect of which such Advance has been made, the Company may pay

pay Interest at such Rate as the Member paying such Sum in advance and the Directors agree upon.

Transfers of Shares.

(8.) The Instrument of Transfer of any Share in the Company shall be executed both by the Transferor and Transferee, and the Transferor shall be deemed to remain a Holder of such share until the Name of the Transferee is entered in the Register Book in respect thereof.

(9.) Shares in the Company shall be be transferred in the following Form:—

I *A.B.* of in Consideration of the Sum of Pounds paid to me by *C.D.* of do hereby transfer to the said *C.D.* the Share [*or* Shares] numbered standing in my Name in the Books of the Company, to hold unto the said *C.D.*, his Executors, Administrators, and Assigns, subject to the Several Conditions on which I held the same at the Time of the Execution hereof; and I the said *C.D.* do hereby agree to take the said Share [*or* Shares] subject to the same Conditions. As witness our Hands, the Day of .

(10.) The Company may decline to register any Transfer of Shares made by a Member who is indebted to them.

(11.) The Transfer Books shall be closed during the Fourteen Days immediately preceding the Ordinary General Meeting in each Year.

Transmission of Shares.

(12.) The Executors or Administrators of a deceased Member shall be the only Persons recognised by the Company as having any Title to his Share.

(13.) Any Person becoming entitled to a Share in consequence of the Death, Bankruptcy, or Insolvency of any Member, or in consequence of the Marriage of any Female Member, may be registered as a Member upon such Evidence being produced as may from Time to Time be required by the Company.

(14.) Any Person who has become entitled to a Share in consequence of the Death, Bankruptcy, or Insolvency of any Member, or in consequence of the Marriage of any Female Member, may, instead of being registered himself, elect to have some person to be named by him registered as a Transferee of such Share.

(15.) The Person so becoming entitled shall testify such Election

tion by executing to his Nominee an Instrument of Transfer of such Share.

(16.) The Instrument of Transfer shall be presented to the Company, accompanied with such Evidence as the Directors may require to prove the Title of the Transferor, and thereupon the Company shall register the Transferee as a Member.

Forfeiture of Shares.

(17.) If any Member fails to Pay any Call on the Day appointed for Payment thereof, the Directors may, at any Time thereafter during such Time as the Call remains unpaid, serve a Notice on him, requiring him to pay such Call, together with Interest and any Expenses that may have accrued by reason of such Nonpayment.

(18.) The Notice shall name a further Day, on or before which such Call, and all Interest and Expenses that have accrued by reason of such Nonpayment, are to be paid. It shall also name the Place where Payment is to be made (the Place so named being either the registered Office of the Company or some other Place at which calls of the Company are usually made payable). The Notice shall also state that in the event of Nonpayment at or before the Time and at the Place appointed the Shares in respect of which such Call was made will be liable to be forfeited.

(19.) If the Requisitions of any such Notice as aforesaid are not complied with, any Share in respect of which such Notice has been given may at any Time thereafter, before Payment of all Calls, Interest, and Expenses due in respect thereof has been made, be forfeited, by a Resolution of the Directors to that Effect.

(20.) Any Share so forfeited shall be deemed to be the Property of the Company, and may be disposed of in such Manner as the Company in General Meeting thinks fit.

(21.) Any Member whose Shares have been forfeited shall notwithstanding be liable to pay to the Company all Calls owing upon such Shares at the Time of the Forfeiture.

(22.) A statutory Declaration in Writing, that the Call in respect of a Share was made and Notice thereof given, and that Default in Payment of the Call was made, and that the Forfeiture of the Share was made by a Resolution of the Directors to that Effect, shall be sufficient Evidence of the Facts therein stated, as against all Persons entitled to such Share, and such Declaration and the Receipt of the Company for the Price of such Share shall constitute a good Title to such Share, and a Certificate of Proprietorship

ship shall be delivered to a Purchaser, and thereupon he shall be deemed the Holder of such Share discharged from all Calls due prior to such Purchase, and he shall not be bound to see to the Application of the Purchase Money, nor shall his Title to such Share be affected by any Irregularity in the Proceedings in reference to such Sale.

Conversion of Shares into Stock.

(23.) The Directors may, with the Sanction of the Company previously given in General Meeting, convert any paid up Shares into Stock.

(24.) When any Shares have been converted into Stock, the several Holders of such Stock may thenceforth transfer their respective Interests therein, or any Part of such Interests, in the same Manner and subject to the same Regulations as and subject to which any Shares in the Capital of the Company may be transferred, or as near thereto as Circumstances admit.

(25.) The several Holders of Stock shall be entitled to participate in the Dividends and Profits of the Company according to the Amount of their respective Interests in such Stock; and such Interests shall, in proportion to the Amount thereof, confer on the Holders thereof respectively the same Privileges and Advantages for the Purpose of voting at Meetings of the Company, and for other Purposes, as would have been conferred by Shares of equal Amount in the Capital of the Company; but so that none of such Privileges or Advantages, except the Participation in the Dividends and Profits of the Company, shall be conferred by any such aliquot Part of Consolidated Stock as would not, if existing in Shares, have conferred such Privileges or Advantages.

Increase in Capital.

(26.) The Directors may, with the Sanction of a special Resolution of the Company previously given in General Meeting, increase its Capital by the Issue of new Shares, such aggregate Increase to be of such Amount, and to be divided into Shares of such respective Amounts, as the Company in General Meeting directs, or, if no Direction is given, as the Directors think expedient.

(27.) Subject to any Direction to the contrary that may be given by the Meeting that sanctions the Increase of Capital, all new Shares shall be offered to the Members in proportion to the existing Shares held by them, and such Offer shall be made by Notice specifying the Number of Shares to which

which the Member is entitled, and limiting a Time within which the Offer, if not accepted, will be deemed to be declined, and after the Expiration of such Time, or on the Receipt of an Intimation from the Member to whom such Notice is given that he declines to accept the Shares offered, the Directors may dispose of the same in such Manner as they think most beneficial to the Company.

(28.) Any Capital raised by the Creation of new Shares shall be considered as Part of the original Capital, and shall be subject to the same Provisions with reference to the Payment of Calls, and the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital.

General Meetings.

(29.) The First General Meeting shall be held at such Time, not being more than Six Months after the Registration of the Company, and at such Place, as the Directors may determine.

(30.) Subsequent General Meetings shall be held at such Time and Place as may be prescribed by the Company in General Meeting; and if no other Time or Place is prescribed, a General Meeting shall be held on the First Monday in February in every Year, at such Place as may be determined by the Directors.

(31.) The above-mentioned General Meetings shall be called Ordinary Meetings; all other General Meetings shall be called Extraordinary.

(32.) The Directors may, whenever they think fit, and they shall upon a Requisition made in Writing by not less than One Fifth in Number of the Members of the Company, convene an Extraordinary General Meeting.

(33.) Any Requisition made by the Members shall express the Object of the Meeting proposed to be called, and shall be left at the registered Office of the Company.

(34.) Upon the Receipt of such Requisition the Directors shall forthwith proceed to convene an Extraordinary General Meeting. If they do not proceed to convene the same within Twenty-one Days from the Date of the Requisition, the Requisitionists, or any other Members amounting to the required Number, may themselves convene an Extraordinary General Meeting.

Proceedings at General Meetings.

(35.) Seven Days Notice at the least, specifying the Place, the Day, and the Hour of Meeting, and in case of special Business

ness the general Nature of such Business, shall be given to the Members in manner herein-after mentioned, or in such other Manner, if any, as may be prescribed by the Company in General Meeting; but the Non-receipt of such Notice by any Member shall not invalidate the Proceedings at any General Meeting.

(36.) All Business shall be deemed special that is transacted at an Extraordinary Meeting, and all that is transacted at an Ordinary Meeting, with the Exception of sanctioning a Dividend and the Consideration of the Accounts, Balance Sheets, and the Ordinary Report of the Directors.

(37.) No Business shall be transacted at any General Meeting, except the Declaration of a Dividend, unless a Quorum of Members is present at the Time when the Meeting proceeds to Business; and such Quorum shall be ascertained as follows; that is to say, if the Persons who have taken Shares in the Company at the Time of the Meeting do not exceed Ten in Number, the Quorum shall be Five; if they exceed Ten there shall be added to the above Quorum One for every Five additional Members up to Fifty, and One for every Ten additional Members after Fifty, with this Limitation, that no Quorum shall in any Case exceed Twenty.

(38.) If within One Hour from the Time appointed for the Meeting a Quorum is not present, the Meeting, if convened upon the Requisition of Members, shall be dissolved: In any other Case it shall stand adjourned to the same Day in the next Week, at the same Time and Place; and if at such adjourned Meeting a Quorum is not present, it shall be adjourned sine die.

(39.) The Chairman (if any) of the Board of Directors shall preside as Chairman at every General Meeting of the Company.

(40.) If there is no such Chairman, or if at any Meeting he is not present within Fifteen Minutes after the Time appointed for holding the Meeting, the Members present shall choose some One of their Number to be Chairman.

(41.) The Chairman may, with the Consent of the Meeting, adjourn any Meeting from Time to Time and from Place to Place, but no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting from which the Adjournment took place.

(42.) At any General Meeting, unless a Poll is demanded by at least Five Members, a Declaration by the Chairman that a Resolution has been carried, and an Entry to that Effect in the Book of Proceedings of the Company, shall be sufficient Evidence of the Fact, without Proof of the Number or Proportion

portion of the Votes recorded in favour of or against such Resolution.

(43.) If a Poll is demanded by Five or more Members it shall be taken in such Manner as the Chairman directs, and the Result of such Poll shall be deemed to be the Resolution of the Company in General Meeting. In the Case of an Equality of Votes at any General Meeting the Chairman shall be entitled to a Second or Casting Vote.

Votes of Members.

(44.) Every Member shall have One Vote for every Share up to Ten: He shall have an additional Vote for every Five Shares beyond the First Ten Shares up to One hundred, and an additional Vote for every Ten Shares beyond the first Hundred Shares.

(45.) If any Member is a Lunatic or Idiot he may vote by his Committee, Curator bonis, or other legal Curator.

(46.) If One or more Persons are jointly entitled to a Share or Shares, the Member whose Name stands first in the Register of Members as One of the Holders of such Share or Shares, and no other, shall be entitled to vote in respect of the same.

(47.) No Member shall be entitled to vote at any General Meeting unless all Calls due from him have been paid, and no Member shall be entitled to vote in respect of any Share that he has acquired by Transfer at any Meeting held after the Expiration of Three Months from the Registration of the Company, unless he has been possessed of the Share in respect of which he claims to vote for at least Three Months previously to the Time of holding the Meeting at which he proposes to vote.

(48.) Votes may be given either personally or by Proxy.

(49.) The Instrument appointing a Proxy shall be in Writing, under the Hand of the Appointor, or if such Appointor is a Corporation, under their Common Seal, and shall be attested by One or more Witness or Witnesses: No Person shall be appointed a Proxy who is not a Member of the Company.

(50.) The Instrument appointing a Proxy shall be deposited at the registered Office of the Company not less than Seventy-two Hours before the Time for holding the Meeting at which the Person named in such Instrument proposes to vote, but no Instrument appointing a Proxy shall be valid after the Expiration of Twelve Months from the Date of its Execution.

(51.) Any Instrument appointing a Proxy shall be in the following Form:—

Company Limited.

I of in the County of being a Member of the Company Limited, and entitled to Vote *or* Votes, hereby appoint of as my Proxy, to vote for me and on my Behalf at the [Ordinary *or* Extraordinary, *as the Case may be*] General Meeting of the Company to be held on the Day of , and at any Adjournment thereof [*or*, at any Meeting of the Company that may be held in the Year].

As witness my Hand, this Day of .
Signed by the said in the Presence of .

Directors.

(52.) The Number of the Directors, and the Names of the First Directors, shall be determined by the Subscribers of the Memorandum of Association.

(53.) Until Directors are appointed the Subscribers of the Memorandum of Association shall be deemed to be Directors.

(54.) The future Remuneration of the Directors, and their Remuneration for Services performed previously to the First General Meeting, shall be determined by the Company in General Meeting.

Powers of Directors.

(55.) The Business of the Company shall be managed by the Directors, who may pay all Expenses incurred in getting up and registering the Company, and may exercise all such Powers of the Company as are not by the foregoing Act, or by these Articles, required to be exercised by the Company in General Meeting, subject nevertheless to any Regulations of these Articles, to the Provisions of the foregoing Act, and to such Regulations, being not inconsistent with the aforesaid Regulations or Provisions, as may be prescribed by the Company in General Meeting; but no Regulation made by the Company in General Meeting shall invalidate any prior Act of the Directors which would have been valid if such Regulation had not been made.

(56.) The continuing Directors may act notwithstanding any Vacancy in their Body.

Disqualification of Directors.

(57.) The Office of Director shall be vacated,—

If he holds any other Office or Place of Profit under the Company:

If

If he becomes bankrupt or insolvent:

If he is concerned in or participates in the Profits of any Contract with the Company:

But the above Rules shall be subject to the following Exceptions: That no Director shall vacate his office by reason of his being a Member of any Company which has entered into Contracts with or done any Work for the Company of which he is Director; nevertheless he shall not vote in respect of such Contract or Work; and if he does so vote his Vote shall not be counted.

Rotation of Directors.

(58.) At the First Ordinary Meeting after the Registration of the Company the whole of the Directors shall retire from Office; and at the First Ordinary Meeting in every subsequent Year One Third of the Directors for the Time being, or if their Number is not a Multiple of Three, then the Number nearest to One Third, shall retire from Office.

(59.) The One Third or other nearest Number to retire during the First and Second Years ensuing the First Ordinary Meeting of the Company shall, unless the Directors agree among themselves, be determined by Ballot: In every subsequent Year the One Third or other nearest Number who have been longest in Office shall retire.

(60.) A retiring Director shall be re-eligible.

(61.) The Company at the General Meeting at which any Directors retire in manner aforesaid shall fill up the vacated Offices by electing a like Number of Persons.

(62.) If at any Meeting at which an Election of Directors ought to take place the Places of the vacating Directors are not filled up, the Meeting shall stand adjourned till the same Day in the next Week, at the same Time and Place; and if at such adjourned Meeting the Places of the vacating Directors are not filled up, the vacating Directors, or such of them as have not had their Places filled up, shall continue in Office until the Ordinary Meeting in the next Year, and so on from Time to Time until their Places are filled up.

(63.) The Company may from Time to Time, in General Meeting, increase or reduce the Number of Directors, and may also determine in what Rotation such increased or reduced Number is to go out of Office.

(64.) Any casual Vacancy occurring in the Board of Directors may be filled up by the Directors, but any Person so chosen shall retain his Office so long only as the vacating Director would have retained the same if no Vacancy had occurred.

(65.) The

(65.) The Company, in General Meeting, may, by a special Resolution, remove any Director before the Expiration of his Period of Office, and may by an ordinary Resolution appoint another Person in his Stead: The Person so appointed shall hold Office during such Time only as the Director in whose Place he is appointed would have held the same if he had not been removed.

Proceedings of Directors.

(66.) The Directors may meet together for the Despatch of Business, adjourn, and otherwise regulate their Meetings as they think fit, and determine the Quorum necessary for the Transaction of Business: Questions arising at any Meeting shall be decided by a Majority of Votes: In case of an Equality of Votes the Chairman shall have a Second or Casting Vote: A Director may at any Time summon a Meeting of the Directors.

(67.) The Directors may elect a Chairman of their Meetings, and determine the Period for which he is to hold Office; but if no such Chairman is elected, or if at any Meeting the Chairman is not present at the Time appointed for holding the same, the Directors present shall choose some One of their Number to be Chairman of such Meeting.

(68.) The Directors may delegate any of their Powers to Committees consisting of such Member or Members of their Body as they think fit: any Committee so formed shall, in the Exercise of the Powers so delegated, conform to any Regulations that may be imposed on them by the Directors.

(69. A Committee may elect a Chairman of their Meetings: If no such Chairman is elected, or if he is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting.

(70.) A Committee may meet and adjourn as they think proper: Questions arising at any Meeting shall be determined by a Majority of Votes of the Members present; and in case of an Equality of Votes the Chairman shall have a Second or Casting Vote.

(71.) All Acts done by any Meeting of the Directors, or of a Committee of Directors, or by any Person acting as a Director, shall, notwithstanding that it be afterwards discovered that there was some Defect in the Appointment of any such Directors or Persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such Person had been duly appointed and was qualified to be a Director.

Dividends.

Dividends.

(72.) The Directors may, with the Sanction of the Company in General Meeting, declare a Dividend to be paid to the Members in proportion to their Shares.

(73.) No Dividend shall be payable except out of the Profits arising from the Business of the Company.

(74.) The Directors may, before recommending any Dividend, set aside out of the Profits of the Company such Sum as they think proper as a reserved Fund to meet Contingencies, or for equalizing Dividends, or for repairing or maintaining the Works connected with the Business of the Company, or any Part thereof; and the Directors may invest the Sum so set apart as a reserved Fund upon such Securities as they may select.

(75.) The Directors may deduct from the Dividends payable to any Member all such Sums of Money as may be due from him to the Company on account of Calls or otherwise.

(76.) Notice of any Dividend that may have been declared shall be given to each Member in manner herein-after mentioned; and all Dividends unclaimed for Three Years, after having been declared, may be forfeited by the Directors for the Benefit of the Company.

(77.) No Dividend shall bear Interest as against the Company.

Accounts.

(78.) The Directors shall cause true Accounts to be kept,—
Of the Stock in Trade of the Company;
Of the Sums of Money received and expended by the Company, and the Matter in respect of which such Receipt and Expenditure takes place; and,
Of the Credits and Liabilities of the Company:
The Books of Account shall be kept at the registered Office of the Company, and, subject to any reasonable Restrictions as to the Time and Manner of inspecting the same that may be imposed by the Company in General Meeting, shall be open to the Inspection of the Members during the Hours of Business.

(79.) Once at the least in every Year the Directors shall lay before the Company in General Meeting a Statement of the Income and Expenditure for the past Year, made up to a Date not more than Three Months before such Meeting.

(80.) The Statement so made shall show, arranged under the most convenient Heads, the Amount of gross Income, distinguishing the several Sources from which it has been derived,

derived, and the Amount of gross Expenditure, distinguishing the Expense of the Establishment, Salaries, and other like Matters: Every Item of Expenditure fairly chargeable against the Year's Income shall be brought into Account, so that a just Balance of Profit and Loss may be laid before the Meeting; and in Cases where any Item of Expenditure which may in Fairness be distributed over several Years has been incurred in any One Year the whole Amount of such Item shall be stated, with the Addition of the Reasons why only a Portion of such Expenditure is charged against the Income of the Year.

(81.) A Balance Sheet shall be made out in every Year, and laid before the Company in General Meeting, and such Balance Sheet shall contain a Summary of the Property and Liabilities of the Company arranged under the Heads appearing in the Form annexed to this Table, or as near thereto as Circumstances admit.

(82.) A printed Copy of such Balance Sheet shall, Seven Days previously to such Meeting, be served on every Member in the Manner in which Notices are herein-after directed to be served.

Audit.

(83.) Once at the least in every Year the Accounts of the Company shall be examined, and the Correctness of the Balance Sheet ascertained, by one or more Auditor or Auditors.

(84.) The First Auditors shall be appointed by the Directors: Subsequent Auditors shall be appointed by the Company in General Meeting.

(85.) If One Auditor only is appointed, all the Provisions herein contained relating to Auditors shall apply to him.

(86.) The Auditors may be Members of the Company; but no Person is eligible as an Auditor who is interested otherwise than as a Member in any Transaction of the Company; and no Director or other Officer of the Company is eligible during his Continuance in Office.

(87.) The Election of Auditors shall be made by the Company at their Ordinary Meeting in each Year.

(88.) The Remuneration of the First Auditors shallbe fixed by the Directors; that of subsequent Auditors shall be fixed by the Company in General Meeting.

(89.) Any Auditor shall be re-eligible on his quitting Office.

(90.) If any casual Vacancy occurs in the Office of any Auditor appointed by the Company, the Directors shall forthwith call an Extraordinary General Meeting for the Purpose of supplying the same.

(91.) If

(91.) If no Election of Auditors is made in manner aforesaid the Board of Trade may, on the Application of not less than Five Members of the Company, appoint an Auditor for the current Year, and fix the Remuneration to be paid to him by the Company for his Services.

(92.) Every Auditor shall be supplied with a Copy of the Balance Sheet, and it shall be his Duty to examine the same, with the Accounts and Vouchers relating thereto.

(93.) Every Auditor shall have a List delivered to him of all Books kept by the Company, and shall at all reasonable Times have Access to the Books and Accounts of the Company: He may, at the Expense of the Company, employ Accountants or other Persons to assist him in investigating such Accounts, and he may in relation to such Accounts examine the Directors or any other Officer of the Company.

(94.) The Auditors shall make a Report to the Members upon the Balance Sheet and Accounts, and in every such Report they shall state whether, in their Opinion, the Balance Sheet is a full and fair Balance Sheet, containing the Particulars required by these Regulations, and properly drawn up so as to exhibit a true and correct View of the State of the Company's Affairs, and in case they have called for Explanations or Information from the Directors, whether such Explanations or Information have been given by the Directors, and whether they have been satisfactory; and such Report shall be read, together with the Report of the Directors, at the Ordinary Meeting.

Notices.

(95.) A Notice may be served by the Company upon any Member either personally, or by sending it through the Post in a prepaid Letter addressed to such Member at his registered Place of Abode.

(96.) All Notices directed to be given to the Members shall, with respect to any Share to which Persons are jointly entitled, be given to whichever of such Persons is named first in the Register of Members; and Notice so given shall be sufficient Notice to all the Holders of such Share.

(97.) Any Notice, if served by Post, shall be deemed to have been served at the Time when the Letter containing the same would be delivered in the ordinary Course of the Post; and in proving such Service it shall be sufficient to prove that the Letter containing the Notices was properly addressed and put into the Post Office.

TABLE

Dr. BALANCE SHEET of the Co. made up to 18 . Cr.

CAPITAL AND LIABILITIES.			£ s. d.	£ s. d.
		Showing:		
I. CAPITAL .	1.	*The Number of Shares* . .		
	2.	*The Amount paid per Share* . .		
	3.	*If any Arrears of Calls, the Nature of the Arrear, and the Names of the Defaulters.*		
	4.	*The Particulars of any forfeited Shares.*		
		Showing:		
II. DEBTS AND LIABILITIES of the Company .	5.	*The Amount of Loans on Mortgages or Debenture Bonds.*		
	6.	*The Amount of Debts owing by the Company, distinguishing—*		
		(*a.*) *Debts for which Acceptances have been given.*		
		(*b.*) *Debts to Tradesmen for Supplies of Stock in Trade or other Articles.*		
		(*c.*) *Debts for Law Expenses.*		
		(*d.*) *Debts for Interest on Debentures or other Loans.*		
		(*e.*) *Unclaimed Dividends.*		
		(*f.*) *Debts not enumerated above.*		
VI. RESERVE FUND .		*Showing:* *The Amount set aside from Profits to meet Contingencies.*		
VII. PROFIT AND LOSS .		*Showing:* *The disposable Balance for payment of Dividend, &c.*		
CONTINGENT LIABILITIES		*Claims against the Company not acknowledged as Debts.* *Monies for which the Company is contingently liable.*		

PROPERTY AND ASSETS.			£ s. d.	£ s. d.
		Showing:		
III. PROPERTY held by the Company . .	7.	*Immovable Property, distinguishing*		
		(*a.*) *Freehold Land* . . .		
		(*b.*) „ *Buildings* . .		
		(*c.*) *Leasehold* „ . .		
	8.	*Movable Property, distinguishing*		
		(*d.*) *Stock in Trade* . . .		
		(*e.*) *Plant*		
		The Cost to be stated with Deductions for Deterioration in Value as charged to the Reserve Fund or Profit and Loss.		
		Showing:		
IV. DEBTS owing to the Company . .	9.	*Debts considered good for which the Company hold Bills or other Securities.*		
	10.	*Debts considered good for which the Company hold no Security.*		
	11.	*Debts considered doubtful and bad* .		
		Any Debt due from a Director or other Officer of the Company to be separately stated.		
		Showing:		
V. CASH AND INVESTMENTS	12.	*The Nature of Investment and Rate of Interest.*		
	13.	*The Amount of Cash, where lodged, and if bearing Interest.*		

TABLE B.

Table of Fees to be paid to the Registrar of Joint Stock Companies by a Company having a Capital divided into Shares.

	£	s.	d.
For Registration of a Company whose nominal Capital does not exceed 2,000*l.*, a Fee of - -	2	0	0
For Registration of a Company whose nominal Capital exceeds 2,000*l.*, the above Fee of 2*l.*, with the following additional Fees, regulated according to the Amount of nominal Capital; (that is to say,)			
For every 1,000*l.* of nominal Capital, or Part of 1,000*l.*, after the first 2,000*l.*, up to 5,000*l.* - -	1	0	0
For every 1,000*l.* of nominal Capital, or Part of 1,000*l.*, after the first 5,000*l.*, up to 100,000*l.* - -	0	5	0
For every 1,000*l.* of nominal Capital, or Part of 1,000*l.*, after the first 100,000*l.* - - -	0	1	0
For Registration of any Increase of Capital made after the First Registration of the Company, the same Fees per 1,000*l.*, or Part of a 1,000*l.*, as would have been payable if such increased Capital had formed Part of the original Capital at the Time of Registration.			
Provided that no Company shall be liable to pay in respect of nominal Capital on Registration, or afterwards, any greater Amount of Fees than 50*l.*, taking into account in the Case of Fees payable on an Increase of Capital after Registration the Fees paid on Registration.			
For Registration of any existing Company, except such Companies as are by this Act exempted from Payment of Fees in respect of Registration under this Act, the same Fee as is charged for registering a new Company.			
For registering any Document hereby required or authorized to be registered, other than the Memorandum of Association - - - -	0	5	0
For making a Record of any Fact hereby authorized or required to be recorded by the Registrar of Companies, a Fee of - - - -	0	5	0

TABLE C.

TABLE OF FEES to be paid to the REGISTRAR of JOINT STOCK COMPANIES by a Company not having a Capital divided into Shares.

	£	s.	d.
For Registration of a Company whose Number of Members as stated in the Articles of Association does not exceed 20 - - - -	2	0	0
For Registration of a Company whose Number of Members, as stated in the Articles of Association, exceeds 20, but does not exceed 100 - -	5	0	0
For Registration of a Company whose Number of Members, as stated in the Articles of Association, exceeds 100, but is not stated to be unlimited, the above Fee of 5*l.*, with an additional 5*s.* for every 50 Members or less Number than 50 Members after the first 100.			
For Registration of a Company in which the Number of Members is stated in the Articles of Association to be unlimited, a Fee of - - -	20	0	0
For Registration of any Increase on the Number of Members made after the Registration of the Company in respect of every 50 Members, or less than 50 Members, of such Increase - - -	0	5	0
Provided that no One Company shall be liable to pay on the whole a greater Fee than 20*l.* in respect of its Number of Members, taking into account the Fee paid on the First Registration of the Company.			
For Registration of any existing Company, except such Companies as are by this Act exempted from Payment of Fees in respect of Registration under this Act, the same Fee as is charged for registering a new Company.			
For registering any Document hereby required or authorized to be registered, other than the Memorandum of Association - - - -	0	5	0
For making a Record of any Fact hereby authorized or required to be recorded by the Registrar of Companies, a Fee of - - - -	0	5	0

FORM

FORM D.

Form of Statement referred to in Part III. of the Act.

* The Capital of the Company is , divided into Shares of each.

The Number of Shares issued is .

Calls to the Amount of Pounds per Share have been made, under which the Sum of Pounds has been received.

The Liabilities of the Company on the First Day of January (*or* July) were,—

Debts owing to Sundry Persons by the Company:

On Judgment, £

On Specialty, £

On Notes or Bills, £

On Simple Contracts, £

On estimated Liabilities, £

The Assets of the Company on that Day were,—

Government Securities [*stating them*], £

Bills of Exchange and Promissory Notes, £

Cash at the Bankers, £

Other Securities, £

SECOND SCHEDULE.

FORM A.

Memorandum of Association of a Company limited by Shares.

1st. The Name of the Company is "The Eastern Steam Packet Company, Limited."

2d. The registered Office of the Company will be situate in England.

3d. The Objects for which the Company is established are, "the Conveyance of Passengers and Goods in Ships or Boats "between such Places as the Company may from Time to Time "determine, and the doing all such other Things as are inci- "dental or conducive to the Attainment of the above Object."

4th. The Liability of the Members is limited.

5th. The Capital of the Company is Two hundred thousand Pounds, divided into One thousand Shares of Two hundred Pounds each.

* If the Company has no Capital divided into Shares the Portion of the Statement relating to Capital and Shares must be omitted.

We,

We, the several Persons whose Names and Addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association, and we respectively agree to take the Number of Shares in the Capital of the Company set opposite our respective Names.

Names, Addresses, and Descriptions of Subscribers.	Number of Shares taken by each Subscriber.
" 1. John Jones of in the County of Merchant	200
" 2. John Smith of in the County of - -	25
" 3. Thomas Green of in the County of - -	30
" 4. John Thompson of in the County of - -	40
" 5. Caleb White of in the County of - -	15
" 6. Andrew Brown of in the County of - -	5
" 7. Cæsar White of in the County of - -	10
Total Shares taken - - -	325

Dated the 22d day of November 1861.

Witness to the above Signatures,
A.B. No. 13, Hute Street, Clerkenwell, Middlesex.

FORM B.

Memorandum and Articles of Association of a Company limited by Guarantee, and not having a Capital divided into Shares.

Memorandum of Association.

1st. The Name of the Company is " The Mutual London Ma-" rine Association, Limited."

2d. The registered Office of the Company will be situate in England.

3d. The Objects for which the Company is established are, " the mutual Insurance of Ships belonging to Members of the " Company, and the doing all such other Things as are inci-" dental or conducive to the Attainment of the above Objects."

4th. Every Member of the Company undertakes to contribute to the Assets of the Company in the event of the same being wound up during the Time that he is a Member, or within One Year afterwards, for Payment of the Debts and Liabilities of the Company contracted before the Time at which he ceases to be a Member, and the Costs, Charges, and Expenses of winding up the same, and for the Adjustment of the Rights of the Contributories amongst themselves, such amount as may be required not exceeding Ten Pounds.

We,

We, the several Persons whose Names and Addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association.

Names, Addresses, and Descriptions of Subscribers.

" 1. John Jones of in the County of Merchant.
" 2. John Smith of in the County of
" 3. Thomas Green of in the County of
" 4. John Thompson of in the County of
" 5. Caleb White of in the County of
" 6. Andrew Brown of in the County of
" 7. Cæsar White of in the County of

Dated the 22d Day of November 1861.

Witness to the above Signatures,
A.B. No. 13, Hute Street, Clerkenwell, Middlesex.

Articles of Association to accompany preceding Memorandum of Association.

(1.) The Company, for the Purpose of Registration, is declared to consist of Five hundred Members.

(2.) The Directors herein-after mentioned may, whenever the Business of the Association requires it, register an Increase of Members.

Definition of Members.

(3.) Every Person shall be deemed to have agreed to become a Member of the Company who insures any Ship or Share in a Ship in pursuance of the Regulations herein-after contained.

General Meetings.

(4.) The First General Meeting shall be held at such Time, not being more than Three Months after the Incorporation of Company, and at such Place, as the Directors may determine.

(5.) Subsequent General Meetings shall be held at such Time and Place as may be prescribed by the Company in General Meeting; and if no other Time or Place is prescribed, a General Meeting shall be held on the First Monday in February in every Year, at such Place as may be determined by the Directors.

(6.) The above-mentioned General Meetings shall be called Ordinary Meetings; all other General Meetings shall be called Extraordinary.

(7.) The Directors may, whenever they think fit, and they shall, upon a Requisition made in Writing by any Five or more Members, convene an Extraordinary General Meeting.

(8.) Any

(8.) Any Requisition made by the Members shall express the Object of the Meeting proposed to be called, and shall be left at the registered Office of the Company.

(9.) Upon the Receipt of such Requisition the Directors shall forthwith proceed to convene a General Meeting: If they do not proceed to convene the same within Twenty-one Days from the Date of the Requisition, the Requisitionists, or any other Five Members, may themselves convene a Meeting.

Proceedings at General Meetings.

(10.) Seven Days Notice at the least, specifying the Place, the Day, and the Hour of Meeting, and in case of special Business the general Nature of such Business, shall be given to the Members in manner herein-after mentioned, or in such other Manner, if any, as may be prescribed by the Company in General Meeting; but the Non-receipt of such Notice by any Member shall not invalidate the Proceedings at any General Meeting.

(11.) All Business shall be deemed special that is transacted at an Extraordinary Meeting, and all that is transacted at an Ordinary Meeting, with the Exception of the Consideration of the Accounts, Balance Sheets, and the ordinary Report of the Directors.

(12.) No Business shall be transacted at any Meeting except the Declaration of a Dividend, unless a Quorum of Members is present at the Commencement of such Business; and such Quorum shall be ascertained as follows; that is to say, if the Members of the Company at the Time of the Meeting do not exceed Ten in Number, the Quorum shall be Five; if they exceed Ten there shall be added to the above Quorum One for every Five additional Members up to Fifty, and One for every Ten additional Members after Fifty, with this Limitation, that no Quorum shall in any Case exceed Thirty.

(13.) If within One Hour from the Time appointed for the Meeting a Quorum of Members is not present, the Meeting, if convened upon the Requisition of the Members, shall be dissolved: In any other Case it shall stand adjourned to the same Day in the following Week at the same Time and Place; and if at such adjourned Meeting a Quorum of Members is not present, it shall be adjourned sine die.

(14.) The Chairman (if any) of the Directors shall preside as Chairman at every General Meeting of the Company.

(15.) If there is no such Chairman, or if at any Meeting he is not present at the Time of holding the same, the Members present shall choose some One of their Number to be Chairman of such Meeting.

(16.) The

(16.) The Chairman may, with the Consent of the Meeting, adjourn any Meeting from Time to Time and from Place to Place, but no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting from which the Adjournment took place.

(17.) At any General Meeting, unless a Poll is demanded by at least Five Members, a Declaration by the Chairman that a Resolution has been carried, and an Entry to that Effect in the Book of Proceedings of the Company, shall be sufficient Evidence of the Fact, without Proof of the Number or Proportion of the Votes recorded in favour of or against such Resolution.

(18.) If a Poll is demanded in manner aforesaid, the same shall be taken in such Manner as the Chairman directs, and the Result of such Poll shall be deemed to be the Resolution of the Company in General Meeting.

Votes of Members.

(19.) Every Member shall have One Vote and no more.

(20.) If any Member is a Lunatic or Idiot he may vote by his Committee, Curator bonis, or other legal Curator.

(21.) No Member shall be entitled to vote at any Meeting unless all Monies due from him to the Company have been paid.

(22.) Votes may be given either personally or by Proxies: A Proxy shall be appointed in Writing under the Hand of the Appointor, or if such Appointor is a Corporation, under its Common Seal.

(23.) No Person shall be appointed a Proxy who is not a Member, and the Instrument appointing him shall be deposited at the registered Office of the Company not less than Forty-eight Hours before the Time of holding the Meeting at which he proposes to vote.

(24.) Any Instrument appointing a Proxy shall be in the following Form:—

Company Limited.

I of in the County of
being a Member of the Company Limited,
hereby appoint of as my Proxy,
to vote for me and on my Behalf at the [Ordinary *or* Extraordinary, *as the Case may be*] General Meeting of the Company to be held on the day of ,
and at any Adjournment thereof to be held on the
Day of next [*or*, at any Meeting of the Company that may be held in the Year].

As witness my Hand, this Day of .

Signed by the said in the Presence of .

Directors.

Directors.

(25.) The Number of the Directors, and the Names of the First Directors, shall be determined by the Subscribers of the Memorandum of Association.

(26.) Until Directors are appointed, the Subscribers of the Memorandum of Association shall for all the Purposes of this Act be deemed to be Directors.

Powers of Directors.

(27.) The Business of the Company shall be managed by the Directors, who may exercise all such Powers of the Company as are not hereby required to be exercised by the Company in General Meeting; but no Regulation made by the Company in General Meeting shall invalidate any prior Act of the Directors which would have been valid if such Regulation had not been made.

Election of Directors.

(28.) The Directors shall be elected annually by the Company in General Meeting.

Business of Company.

[*Here insert Rules as to Mode in which Business of Insurance is to be conducted.*]

Accounts.

(29.) The Accounts of the Company shall be Audited by a Committee of Five Members, to be called the Audit Committee.

(30.) The first Audit Committee shall be nominated by the Directors out of the body of Members.

(31.) Subsequent Audit Committees shall be nominated by the Members at the Ordinary General Meeting in each Year.

(32.) The Audit Committee shall be supplied with a Copy of the Balance Sheet, and it shall be their Duty to examine the same with the Accounts and Vouchers relating thereto.

(33.) The Audit Committee shall have a List delivered to them of all Books kept by the Company, and they shall at all reasonable Times have Access to the Books and Accounts of the Company: They may, at the Expense of the Company, employ Accountants or other Persons to assist them in investigating such Accounts, and they may in relation to such Accounts examine the Directors or any other Officer of the Company.

(34.) The

(34.) The Audit Committee shall make a Report to the Members upon the Balance Sheet and Accounts, and in every such Report they shall state whether in their Opinion the Balance Sheet is a full and fair Balance Sheet, containing the Particulars required by these Regulations of the Company, and properly drawn up, so as to exhibit a true and correct View of the State of the Company's Affairs, and in case they have called for Explanation or Information from the Directors, whether such Explanations or Information have been given by the Directors, and whether they have been satisfactory, and such Report shall be read together with the Report of the Directors at the Ordinary Meeting.

Notices.

(35.) A Notice may be served by the Company upon any Member either personally, or by sending it through the Post in a prepaid Letter addressed to such Member at his registered Place of Abode.

(36.) Any Notice, if served by Post, shall be deemed to have been served at the Time when the Letter containing the same would be delivered in the Ordinary Course of the Post; and in proving such Service it shall be sufficient to prove that the Letter containing the Notice was properly addressed, and put into the Post Office.

Winding up.

(37.) The Company shall be wound up voluntarily whenever an Extraordinary Resolution, as defined by the Companies Act, 1862, is passed, requiring the Company to be wound up voluntarily.

Names, Addresses, and Descriptions of Subscribers.

" 1. John Jones of in the County of Merchant.
" 2. John Smith of in the County of
" 3. Thomas Green of in the County of
" 4. John Thompson of in the County of
" 5. Caleb White of in the County of
" 6. Andrew Brown of in the County of
" 7. Cæsar White of in the County of

Dated the 22d Day of November 1861.

Witness to the above Signatures,
A.B., No. 13, Hute Street, Clerkenwell, Middlesex.

FORM C.

MEMORANDUM and ARTICLES of ASSOCIATION of a Company limited by Guarantee, and having a Capital divided into Shares.

Memorandum of Association.

1st. The Name of the Company is "The Highland Hotel Com-" pany, Limited."

2d. The registered Office of the Company will be situate in Scotland.

3d. The Objects for which the Company is established are the " facilitating travelling in the Highlands of Scotland, by providing " Hotels and Conveyances by Sea and by Land for the Accommo-" dation of Travellers, and the doing all such other Things as " are incidental or conducive to the Attainment of the above " Object."

4th. Every Member of the Company undertakes to contribute to the Assets of the Company in the event of the same being wound up during the Time that he is a Member, or within One Year afterwards, for Payment of the Debts and Liabilities of the Company contracted before the Time at which he ceases to be a Member, and the Costs, Charges, and Expenses of winding up the same, and for the Adjustment of the Rights of the Contributories amongst themselves, such Amount as may be required not exceeding Twenty Pounds.

WE, the several Persons whose Names and Addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association.

Names, Addresses, and Descriptions of Subscribers.

" 1. John Jones of in the County of Merchant.
" 2. John Smith of in the County of
" 3. Thomas Green of in the County of
" 4. John Thompson of in the County of
" 5. Caleb White of in the County of
" 6. Andrew Brown of in the County of
" 7. Cæsar White of in the County of

Dated the 22d Day of November 1861.

Witness to the above Signatures,
A.B., No. 13, Hute Street, Clerkenwell, Middlesex.

Articles of Association to accompany preceding Memorandum of Association.

1. The Capital of the Company shall consist of Five hundred thousand

thousand Pounds, divided into Five thousand Shares of One hundred Pounds each.

2. The Directors may, with the Sanction of the Company in General Meeting, reduce the Amount of Shares.

3. The Directors may, with the Sanction of the Company in General Meeting, cancel any Shares belonging to the Company.

4. All the Articles of Table A. shall be deemed to be incorporated with these Articles, and to apply to the Company.

We, the several Persons whose Names and Addresses are subscribed, agree to take the Number of Shares in the Capital of the Company set opposite our respective Names.

Names, Addresses, and Descriptions of Subscribers.	Number of Shares taken by each Subscriber.
" 1. John Jones of in the County of -	200
" 2. John Smith of in the County of -	25
" 3. Thomas Green of in the County of -	30
" 4. John Thompson of in the County of -	40
" 5. Caleb White of in the County of -	15
" 6. Andrew Brown of in the County of -	5
" 7. Cæsar White of in the County of -	10
Total Shares taken, - - -	325

Dated the 22d Day of November 1861.

Witness to the above Signatures,

A.B., No. 13, Hute Street, Clerkenwell, Middlesex.

FORM D.

Memorandum and Articles of Association of an unlimited Company, having a Capital divided into Shares.

Memorandum of Association.

1st. The Name of the Company is " The Patent Stereotype " Company."

2d. The registered Office of the Company will be situate in England.

3d. The Objects for which the Company is established are " the working of a Patent Method of founding and casting Stereo- " type Plates, of which Method John Smith, of London, is the " sole Patentee."

We,

We, the several Persons whose Names are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association.

Names, Addresses, and Descriptions of Subscribers.

" 1. John Jones of in the County of Merchant.
" 2. John Smith of in the County of
" 3. Thomas Green of in the County of
" 4. John Thompson of in the County of
" 5. Caleb White of in the County of
" 6. Andrew Brown of in the County of
" 7. Abel Brown of in the County of

Dated 22d Day of November 1861.

Witness to the above Signatures,
A.B., No. 20, Bond Street, Middlesex.

Articles of Association to accompany the preceding Memorandum of Association.

Capital of the Company.

The Capital of the Company is Two thousand Pounds, divided into Twenty Shares of One hundred Pounds each.

Application of Table A.

All the Articles of Table A. shall be deemed to be incorporated with these Articles, and to apply to the Company.

We, the several Persons whose Names and Addresses are subscribed, agree to take the Number of Shares in the Capital of the Company set opposite our respective Names.

Names, Addresses, and Descriptions of Subscribers.	Number of Shares taken by Subscribers.
" 1. John Jones of in the County of Merchant	1
" 2. John Smith of in the County of -	5
" 3. Thomas Green of in the County of -	2
" 4. John Thompson of in the County of -	2
" 5. Caleb White of in the County of -	3
" 6. Andrew Brown of in the County of -	4
" 7. Abel Brown of in the County of -	1
Total Shares taken - - -	18

Dated the 22d Day of November 1861.

Witness to the above Signatures,
A.B., No. 20, Bond Street, Middlesex.

FORM

FORM E. as required by the Second Part of the Act.

SUMMARY of CAPITAL and SHARES of the COMPANY, made up to the Day of

Nominal Capital £ divided into Shares of £ each.
Number of Shares taken up to the Day of .
There has been called up on each Share £
Total Amount of Calls received £
Total Amount of Calls unpaid £

LIST of Persons holding Shares in the Company on the Day of , and of Persons who have held Shares thereon at any Time during the Year immediately preceding the said Day of , showing their Names and Addresses, and an Account of the Shares so held.

Folio in Register Ledger containing Particulars.	NAMES, ADDRESSES, AND OCCUPATIONS.				ACCOUNT OF SHARES.					Remarks.
	Surname.	Christian Name.	Address.	Occupation.	Shares held by existing Members on the Day of	Additional Shares held by existing Members during preceding Year.		Shares held by Persons no longer Members.		
						Number.	Date of Transfer.	Number.	Date of Transfer.	

FORM F.

Licence to hold Lands.

The Lords of the Committee of Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations hereby license the Association, Limited, to hold the Lands hereunder described [*insert Description of Lands*]. The Conditions of this Licence are [*insert Conditions, if any*].

THIRD SCHEDULE.

FIRST PART.

Date and Chapter of Act.	Title of Act.
21 & 22 Geo. 3. c. 46. (Parliament of Ireland.)	An Act to promote Trade and Manufactures by regulating and encouraging Partnerships.
7 & 8 Vict. c. 110.	An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies.
7 & 8 Vict. c. 111.	An Act for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements.
7 & 8 Vict. c. 113.	An Act to regulate Joint Stock Banks in England.
8 & 9 Vict. c. 98.	An Act for facilitating the winding up the Affairs of Joint Stock Companies in Ireland unable to meet their pecuniary Engagements.
9 & 10 Vict. c. 28.	An Act to facilitate the Dissolution of certain Railway Companies.
9 & 10 Vict. c. 75.	An Act to regulate Joint Stock Banks in Scotland and Ireland.
10 & 11 Vict. c. 78.	An Act to amend an Act for the Registration, Incorporation, and Regulation of Joint Stock Companies.
11 & 12 Vict. c. 45.	An Act to amend the Acts for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements, and also to facilitate the Dissolution and winding up of Joint Stock Companies and other Partnerships.
12 & 13 Vict. c. 108.	An Act to amend the Joint Stock Companies Winding-up Act, 1848.
19 & 20 Vict. c. 47.	An Act for the Incorporation and Regulation of Joint Stock Companies and other Associations.
20 & 21 Vict. c. 14.	An Act to amend the Joint Stock Companies Act, 1856.
20 & 21 Vict. c. 49.	An Act to amend the Law relating to Banking Companies.
20 & 21 Vict. c. 78.	An Act to amend the Act Seven and Eight Victoria, Chapter One hundred and eleven, for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements, and also the Joint Stock Companies Winding-up Acts, 1848 and 1849.
20 & 21 Vict. c. 80.	An Act to amend the Joint Stock Companies Act, 1856.
21 & 22 Vict. c. 60.	An Act to amend the Joint Stock Companies Acts, 1856 and 1857, and the Joint Stock Banking Companies Act, 1857.
21 & 22 Vict. c. 91.	An Act to enable Joint Stock Banking Companies to be formed on the Principle of Limited Liability.

SECOND

SECOND PART.

7 & 8 Vict. c. 113. s. 47.

Existing Companies to have the Powers of suing and being sued.

Every Company of more than Six Persons established on the Sixth Day of May One thousand eight hundred and forty-four, for the Purpose of carrying on the Trade or Business of Bankers within the Distance of Sixty-five Miles from London, and not within the Provisions of the Act passed in the Session holden in the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen, shall have the same Powers and Privileges of suing and being sued in the Name of any One of the Public Officers of such Copartnership as the nominal Plaintiff, Petitioner, or Defendant on behalf of such Copartnership; and all Judgments, Decrees, and Orders made and obtained in any such Suit may be enforced in like Manner as is provided with respect to such Companies carrying on the said Trade or Business at any Place in England exceeding the Distance of Sixty-five Miles from London, under the Provisions of an Act passed in the Seventh Year of the Reign of King George the Fourth, Chapter Forty-six, intituled "An act for the better "regulating Copartnerships of certain Bankers in England, and "for amending so much of an Act of the Thirty-ninth and "Fortieth Years of the Reign of His late Majesty King George "the Third, intituled 'An Act for establishing an Agreement "'with the Governor and Company of the Bank of England for "'advancing the Sum of Three Millions towards the Supply for "'the Service of the Year One thousand eight hundred,' as "relates to the same," provided that such first-mentioned Company shall make out and deliver from Time to Time to the Commissioners of Stamps and Taxes the several Accounts or Returns required by the last-mentioned Act, and all the Provisions of the last-recited Act as to such Accounts or Returns shall be taken to apply to the Accounts or Returns so made out and delivered by such first-mentioned Companies as if they had been originally included in the Provisions of the last-recited Act.

20 & 21 Vict. c. 49., Part of Section XII.

Power to form Banking Partnerships of

Notwithstanding anything contained in any Act passed in the Session holden in the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen, and intituled

Ten Persons.

intituled "An Act to regulate Joint Stock Banks in England," or in any other Act, it shall be lawful for any Number of Persons, not exceeding Ten, to carry on in Partnership the Business of Banking, in the same Manner and upon the same Conditions in all respects as any Company of not more than Six Persons could before the passing of this Act have carried on such Business.

CAP. XC.

An Act for rectifying a clerical Error in the Act of the present Session, Chapter Forty, with respect to the African *Slave Trade Treaty.*—[*7th* August 1862.]

CAP. XCI.

An Act to incorporate the General Council of Medical Education and Registration of the United Kingdom, and for other Purposes.—[*7th* August 1862.]

21 & 22 Vict. c. 90.

WHEREAS by the Medical Act passed in the Session holden in the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, Chapter Ninety, a Council is established, under the Style of "The General Council of Medical Education and Registration of the United Kingdom," and certain Duties and Obligations are imposed on such Council, and in particular it is provided, that the General Council shall cause to be published under their Direction a Book, containing a List of Medicines and Compounds, and the Manner of preparing them, together with the true Weights and Measures by which they are to be prepared and mixed, and containing such other Matter and Things relating thereto as the General Council shall think fit, to be called "*British* Pharmacopœia," and Power is given to the said Council to alter, amend, and republish such Pharmacopœia as often as they shall deem it necessary: And whereas different Pharmacopœias have hitherto been in use in *England, Scotland,* and *Ireland,* published in *England* under the Direction of the Royal College of Physicians of *London,* and sanctioned by an Order of Her Majesty in Council, published in *Scotland* under the Direction of the Royal College of Physicians of *Edinburgh,* but without any legal Sanction, and published in *Ireland*

Ireland under the Direction of the King and Queen's College of Physicians in *Ireland*, and sanctioned by Act of Parliament: And whereas the Pharmacopœia to be published by the said Council is intended to supersede the above-mentioned Pharmacopœias: And whereas it is expedient to incorporate the said Council, and to make such Provisions as are hereinafter contained with respect to the said *British* Pharmacopœia: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Incorporation of Council.

I. "The General Council of Medical Education and Registration of the United Kingdom" shall be deemed to be and to have been, from the Date of its first Establishment, a Body Corporate by the Name aforesaid, having a perpetual Succession and a Common Seal, with a Capacity to hold Lands for the Purposes of the said Medical Act.

Right of printing Pharmacopœia vested in Council.

II. The exclusive Right of publishing, printing, and selling the said Pharmacopœia shall vest in the said General Council, subject to this Proviso, that it shall be lawful for the Commissioners of the Treasury from Time to Time to fix the Price at which Copies of the said Work are to be sold to the Public.

Notice to be given in Gazettes when British Pharmacopœia is published.

III. The *British* Pharmacopœia, when published, shall for all Purposes be deemed to be substituted throughout *Great Britain* and *Ireland* for the several above-mentioned Pharmacopœias, and any Act of Parliament, Order in Council, or Custom relating to any of such last-mentioned Pharmacopœias shall be deemed, after the Publication of the *British* Pharmacopœia, to refer to such Pharmacopœia.

Notice in the *London*, *Edinburgh*, and *Dublin* Gazettes to the Effect that the *British* Pharmacopœia has been published shall be deemed sufficient Evidence of its Publication for the Purposes of this Act, and a Copy of the said Pharmacopœia printed by such Person as may be named in the said Notice, or in any other Notice published in the said Gazettes, as authorized by the General Council to print the said Pharmacopœia, shall be admitted in Evidence as being the Pharmacopœia directed to be published by the above-mentioned Act.

CAP. XCII.

An Act to limit the Time for proceeding to Elections in Counties and Boroughs in Ireland.—[*7th* August 1862.]

CAP. XCIII.

An Act for embanking the North Side of the River Thames *from* Westminster Bridge *to* Blackfriars Bridge, *and for making new Streets in and near thereto.*—[7*th* August 1862.]

CAP. XCIV.

An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners.—[7*th* August 1862.]

CAP. XCV.

An Act to amend the Law relating to Polling Places in the Boroughs of New Shoreham, Cricklade, Aylesbury, *and* East Retford.—[7*th* August 1862.]

CAP. XCVI.

An Act to render tenable during good Behaviour the Office of the Officer of the Court of Common Pleas by whom the Certificates of Acknowledgment of Deeds of married Women are filed of Record.—[7*th* August 1862.]

CAP. XCVII.

An Act to regulate and amend the Law respecting the Salmon Fisheries of Scotland.—[7*th* August 1862.]

WHEREAS it is expedient that the Acts relating to the Salmon Fisheries in *Scotland* should be amended, and that further Provision should be made for the Regulation of Fisheries,

Fisheries, the Removal of Obstructions, and the Prevention of illegal fishing: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act may be cited for all Purposes as "The Salmon Fisheries (*Scotland*) Act, 1862." Short Title.

II. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context: Interpretation of Terms.

"Commissioners" shall mean the Commissioners appointed and acting under the Authority of this Act for the Time being:

"Clerk" shall mean the Clerk to be appointed by any District Board:

"Sheriff" shall mean the Sheriff of the County in *Scotland* of which he is Sheriff, and shall include Sheriffs Substitute:

"Justice" or "Justices" shall mean any Justice or Justices of the Peace acting for the County, City, or Burgh where the Matter requiring the Cognizance of such Justice or Justices shall arise:

"Secretary of State," shall mean One of Her Majesty's Principal Secretaries of State:

"Proprietor" or "Proprietors" shall mean and include any Person, Company, or Corporation who is the Proprietor of a Salmon Fishery, or who receives or is entitled to receive the Rents of such Fishery on his or their own Account, or as Trustee, Guardian, or Factor for any Person, Company, or Corporation, and shall also include Her Majesty in right of Her Crown:

"Byelaw" and Byelaws" shall include all Rules, Orders, and Regulations made by the Commissioners under the Authority of this Act:

"Salmon" shall mean and include Salmon, Grilse, Sea Trout, Bull Trout, Smolts, Parr, and other migratory Fish of the Salmon Kind:

"Fisheries" and "Fishery" shall mean Salmon Fisheries and a Salmon Fishery in any River or Estuary or in the Sea:

"River" shall include Tributaries and any Lake from or through which any River flows:

"Valuation Roll" shall mean the Valuation Roll in force for the Time for any County, and each of the Royal Burghs therein, made up under the Authority of the Public General Act Seventeenth and Eighteenth *Victoria*, Chapter Ninety-one, or any other Act relating to the Valuation of Lands and Heritages in *Scotland* which may be in force for the Time.

III. The

Commencement of Act.

III. The Enactments and Provisions of this Act with respect to the Appointment, Powers, and Duties of the Commissioners, and the Election, Powers, and Duties of District Boards, shall come into operation and take effect from and after the passing of this Act, and all the other Enactments and Provisions of this Act shall come into operation and take effect from and after the First Day of *January* One thousand eight hundred and sixty-three.

Each River and Estuary, and the Seacoasts adjoining, to be a District.

IV. Each River in *Scotland* flowing into the Sea, and every tributary Stream or Lake flowing into or connected with such River, and the Mouth or Estuary of such River, and the Seacoasts adjoining thereto, divided into such Portions as may be fixed and defined by the Commissioners under the Authority of this Act, shall form a District for the Purposes of this Act.

Commissioners to be appointed by Secretary of State.

V. It shall be lawful for the Secretary of State to appoint Three Commissioners for the Purposes of this Act, who shall be paid at such Rate, not exceeding Three Pounds *per* Day each, as the Commissioners of the Treasury may direct, the whole Amount to be received by each Commissioner not exceeding Three hundred and fifty Pounds *per Annum*, over and above such Travelling Expenses as the Commissioners of the Treasury may sanction: Provided that the Duration of the Office of such Commissioners shall in no Case extend beyond Three Years.

Duties of Commissioners.

VI. The Commissioners shall have the Powers and perform the Duties herein-after specified; that is to say,

(1.) To fix and define, for the Purposes of this Act and the other Acts relating to Salmon and Salmon Fisheries in *Scotland*, the natural Limits which divide each River in *Scotland* (including the Estuary thereof) from the Sea, in so far as the same may not be already fixed by Statute or by judicial Decision:

(2.) To fix, for the Purposes of this Act, the Limits of the *Solway Firth*, having regard to an Act passed in the Forty-fourth Year of the Reign of His Majesty King *George* the Third, Chapter Forty-five:

(3.) To fix, for the Purposes of this Act, the Limits of every District, and the Portions of the Seacoast adjoining to the Mouth or Estuary of any River to be included in such District:

(4.) To fix, for the Purposes of this Act, a Point on each River (including the Estuary thereof) below which the Proprietors of Fisheries shall be Lower Proprietors, and above which the Proprietors of Fisheries shall be Upper Proprietors:

(5.) To determine, subject to the Provisions of this Act, at what Dates the Annual Close Time for every District

trict shall commence and terminate, and at what Periods subsequent to the Commencement and prior to the Termination of the Annual Close Time it shall be lawful to fish for and take Salmon with the Rod and Line: Provided that the Number of Days during which such Annual Close Time shall continue shall be the same as regards every District:

(6.) To make general Regulations with respect to the following Matters; *viz.*,

The due Observance of the Weekly Close Time:

The Construction and Use of Cruives:

The Construction and Alteration of Mill Dams, or Lades, or Water Wheels, so as to afford a reasonable Means for the Passage of Salmon:

The Meshes of Nets (so that they shall not intercept Smolts or Salmon Fry):

Obstructions in Rivers or Estuaries to the Passage of Salmon:

Provided that such Regulations shall not interfere with any Rights held at the Time of the passing of this Act under Royal Grant or Charter, or possessed for Time immemorial.

Annual and Weekly Close Time.

VII. The Annual Close Time for Every District shall continue for One hundred and sixty-eight Days; and the Weekly Close Time, except for Rod and Line, shall continue from the Hour of Six of the Clock on *Saturday* Night to the Hour of Six of the Clock on *Monday* Morning; but the Commissioners shall have Power, on the Application of the District Board, or of any Two Proprietors of Fisheries in any District, to vary the Period at which the Weekly Close Time shall commence in any District, or any Part thereof, in so far as they may think reasonable or expedient: Provided that such Weekly Close Time shall in no Case be less than Thirty-six Hours.

Application of Annual Close Time.

VIII. The Annual Close Time shall be applicable to every Mode of fishing for or taking Salmon in any River, Lake, or Estuary, or in the Sea, except by means of the Rod and Line for the Periods in each District to be fixed by the Commissioners subsequent to the Commencement and prior to the Termination of the Annual Close Time during which it shall be lawful to fish for and take Salmon by means of the Rod and Line.

Present Annual Close Times to subsist until

IX. In regard to any River and Estuary which are regulated by any Local Act relating thereto the Annual Close Time fixed by such Act, and in regard to all other Rivers, Estuaries, and Seacoasts in *Scotland* the Annual Close Time fixed by the Public General Act Ninth *George* the Fourth, Chapter

altered under this Act.

Chapter Thirty-nine, shall respectively be applicable until the Annual Close Time with respect to any such River, Estuary, or Seacoast shall be otherwise determined by any Byelaw made by the Commissioners under the Authority of this Act.

Fishing illegal where prohibited by existing Acts.

X. It shall not be lawful to fish for or take Salmon at any Place or by any Mode prohibited by any Statute relating to Salmon or Salmon Fisheries in *Scotland* subsisting and in force at the Date of the Passing of this Act; and nothing contained in this Act or in any Byelaw made by the Commissioners shall render legal any Mode of fishing which was or would have been illegal at the Date of the passing of this Act.

Penalties for Offences.

XI. Every Person who commits any of the following Offences shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and to a further Penalty not exceeding Two Pounds for every Salmon taken or killed contrary to the Provisions of this Act, or of any Byelaw made by the Commissioners under the Authority of this Act; and shall, in addition to such Penalties, at the Discretion of the Magistrate, forfeit every Boat, Net, Rod, Line, or other Article which has been or may be used in fishing for or taking Salmon, and which is found in the Possession of such Person at the Time of the committing such Offence; that is to say,

Every Person who fishes for or takes Salmon during the Annual Close Time by any Means other than the Rod and Line:

Every Person who fishes for or takes Salmon, except during *Saturday* or *Monday*, by Rod and Line, during the Weekly Close Time, or acts in breach or contravention of any Byelaw made by the Commissioners in regard thereto:

Every Person who fishes for or takes Salmon during the Annual Close Time by means of the Rod and Line at a Period not sanctioned by the Commissioners:

Every Person who fishes for Salmon with a Net having a Mesh contrary to any Byelaw of the Commissioners:

Every Person who obstructs or impedes the Passage of Salmon contrary to any Byelaw of the Commissioners:

Every Person who sells or exposes for Sale fresh Salmon taken within the Limits of this Act during the Period between the Commencement of the latest and the Termination of the earliest Annual Close Time which may have been fixed for any District; but the Burden of proving that Salmon so sold or exposed by any Person for Sale have been caught beyond the Limits of this Act shall lie on the Person selling or exposing the same for Sale:

Every Person who takes or has in his Possession any foul or unseasonable Salmon:

Every

Every Person who uses or has in his Possession any Light for the Purpose and with the Intention of taking Salmon:

Every Person who sets a Net or any other Engine for Capture of Salmon when the Fish show themselves when leaping at or trying to ascend any Fall or other Impediment:

Every Person who wilfully takes or destroys or injures or obstructs the Passage of the Young of Salmon, or disturbs any Spawning Bed, or any Bank or Shallow on which the Spawn of Salmon may be deposited; but this Provision shall not apply to Acts done for the Purpose of the artificial Propagation of Salmon or for other scientific Purposes, or in the Course of the Exercise of Rights of Property in the Bed of any Stream: Provided also, that the District Board may, with the Consent of all the Proprietors of Salmon Fisheries in any River or Estuary, adopt such Means as they think fit for preventing the Ingress of Salmon into narrow Streams or Tributaries in which they or the Spawning Beds are, from the Nature of the Channel, liable to be destroyed, but always so that no Water Rights used or enjoyed for the Purposes of Manufactures or Agricultural Purposes or Drainage shall be interfered with thereby.

Penalty for using or possessing Salmon Roe.

XII. Every Person who uses Salmon Roe for the Purpose of fishing, or has in his Possession any Salmon Roe for Sale or for the Purpose of fishing, shall for every such offence be liable to a Penalty not exceeding Two Pounds, and shall forfeit any Salmon Roe found in his Possession.

Penalty for causing or allowing poisonous Substances to flow into Rivers.

XIII. Every Person who causes or knowingly permits to flow, or puts or knowingly permits to be put, into any River containing Salmon, any liquid or solid Matter poisonous or deleterious to Salmon, or who shall discharge into any River Sawdust to an Extent injurious to any Salmon Fishery, shall be liable to the following Penalties; (that is to say,)

For the First Offence a Penalty not exceeding Five Pounds:

For the Second Offence a Penalty not exceeding Ten Pounds, and a further Penalty not exceeding Two Pounds for every Day during which such Offence is continued:

For the Third or any subsequent Offence a Penalty not exceeding Twenty Pounds, and a further Penalty not exceeding Five Pounds for every Day during which such Offence is continued:

But no Person shall be subject to the foregoing Penalties for any Act done in the Exercise of any Right to which he is by Law entitled, if he prove to the Satisfaction of the Court before whom he is tried that he has used the best practicable Means, within

within a reasonable Cost, to dispose of or render harmless the liquid or solid Matter so permitted to flow or to be put into Waters; but nothing herein contained shall prevent any Person from acquiring a legal Right in Cases where he would have acquired it if this Act had not passed, or exempt any Person from any Punishment to which he would otherwise be subject, or legalize any Act or Default that would but for this Act be contrary to Law.

Commissioners to visit and report on Rivers and Estuaries.

XIV. The Commissioners shall visit and report on the several Rivers and Estuaries and Salmon Fisheries in *Scotland*, after Notice duly given by special Advertisement in some Newspaper of general Circulation in the District, not less than Ten Days before any such Visitation, to the Proprietors of Salmon Fishings on each of such Rivers or Estuaries, of their Intention so to visit and report.

Commissioners to make Byelaws on Matters specified in Third and Fourth Subdivisions of Sixth Section of this Act.

XV. The Commissioners shall, on or before the First Day of *January* One thousand eight hundred and sixty-three, fix and determine by Byelaws the Matters specified in the Third and Fourth Subdivisions of the Sixth Section of this Act: and a Copy of such Byelaws applicable to each District shall be, prior to the said Date, transmitted by Post to the Sheriff Clerk of each County, in so far as the same may relate to a District or Part of a District situate therein; and the Sheriff Clerk shall, on Receipt of such Copy, give Notice of such Byelaws by Advertisement inserted once for each of Two successive Weeks in some Newspaper published in such County, or, if no Newspaper be published therein, in some Newspaper published in a County adjoining thereto: and every Person whose Interests may be affected by any such Byelaws may state to the Secretary of State any Objections to any such Byelaw; and the Secretary of State shall, after One Month after the Date of such Byelaws, approve or alter or disapprove of the same; and every such Byelaw, when approved of or altered by the Secretary of State, shall be published in the *Edinburgh Gazette*, and in such further Mode as the Secretary of State may direct, and on being so published shall be legal and binding on all concerned: Provided that in the Case of such Districts in which by reason of their inconsiderable Size it may seem to the Commissioners unnecessary to determine such Matters, they may defer doing so until required by more than Six Proprietors of Fisheries within the same, after the Limits of such District have been defined, as herein-after provided, and shall proceed, in other respects, as above provided.

Commissioners to make Byelaws on

XVI. The Commissioners shall, on or before the First Day of *January* One thousand eight hundred and sixty-four, determine the other Matters specified in the Sixth Section of this Act,

Act, by Byelaws under their Hands, or the Hand of any Two of them, and shall report the same to the Secretary of State; provided that previously to making such Byelaws they shall communicate the same to the District Board, and afford the Board reasonable Opportunity of making any Representation to the Commissioners respecting the same; and a Copy of such Byelaws shall be transmitted to the Sheriff Clerk of each County, in so far as the same may relate to any District situated therein; and the Sheriff Clerk shall on the Receipt of such Copy, give Notice of such Byelaws by Advertisement inserted once for each of Two successive Weeks in some Newspaper published in such County, or, if no Newspaper be published therein, in some Newspaper published in a County adjoining thereto; and every Person whose Interests may be affected by any such Byelaws may state to the Secretary of State any Objections to any such Byelaw; and the Secretary of State shall, after Two Months and within Four Months after the Date of such Byelaws, approve or alter or disapprove of the same; and every such Byelaw, when approved of or altered by the Secretary of State, shall be published in the *Edinburgh Gazette*, and in such further Mode as the Secretary of State may direct, and on being so published shall be legal and binding on all concerned. the other Matters specified in Sixth Section.

XVII. The Commissioners, in execution of this Act, shall take such Evidence as they may find to be necessary, and in the event of Witnesses refusing to attend and give Evidence, or to allow Access to Documents, they may apply to the Sheriff of the County for a Warrant to cite Witnesses and Havers, and the Sheriff is hereby authorized to grant the same. As to Evidence to be taken by Commissioners.

XVIII. Within Three Months after any Byelaw constituting the District shall have been published the Sheriff shall direct the Sheriff Clerk to make up a Roll of the Upper Proprietors and also a Roll of the Lower Proprietors in each District; and the Qualification of an Upper Proprietor shall be the Property of a Fishery entered in the Valuation Roll as of the yearly Rent or yearly Value of Twenty Pounds or upwards, or, if such Fishery be not valued on the Valuation Roll, of Half a Mile of Frontage to the River, with a Right of Salmon Fishing, and the Qualification of a Lower Proprietor shall be the Property of a Fishery entered in the Valuation Roll as of the yearly Rent or yearly Value of Twenty Pounds or upwards; and the Sheriff shall have Power to decide summarily any Question arising on any Claim to such Qualification; and the Sheriff shall thereafter direct the Sheriff Clerk to call a Meeting of the Upper Proprietors, and also a Meeting of the Lower As to the Election of District Boards.

Lower Proprietors, at such Times and Places as he shall direct; and Notice of such Meeting shall be given as herein-before provided with respect to the Publication of Byelaws made by the Commissioners; and the Upper Proprietors and Lower Proprietors present at such separate Meetings respectively shall elect not more than Three of their Number to be Members of the District Board, every Proprietor of a Fishery valued at more than Five hundred Pounds on the Valuation Roll having Two Votes at such Election, and an additional Vote for every Five hundred Pounds of Rental, but not more than Four Votes in all; and the Members so elected with the Proprietor having the largest Amount entered in the Valuation Roll as the yearly Rent or yearly Value of Fisheries in such District shall constitute the District Board; and the last-mentioned Proprietor shall be the Chairman of the Board, and have a deliberative as well as a casting Vote; and the Election of such Board shall be notified by the Chairman of such respective Meetings to the Sheriff Clerk within Seven Days from the Date of the same, and the Sheriff shall thereafter summon the First Meeting of such Board for such Day and such Place as he may fix: Provided always, that if any River be situate in Two or more Counties, the Notices above provided shall be given and such Meetings shall be called in such Manner as the Sheriffs of such Counties jointly shall direct.

Constitution of the Board where Proprietors are less in Number than Three.

Their Votes.

XIX. If in any District the Upper Proprietors or the Lower Proprietors shall be fewer in Number than Three, the Board shall consist of an equal Number, elected as aforesaid, along with the Proprietor having the largest Valuation, who shall also be Chairman of the Board, as above provided; and if such last-mentioned Proprietor be the sole Upper or the sole Lower Proprietor, he shall have Two Votes on the Board; and if there shall be only One Proprietor in any District such Proprietor shall have and may exercise all the Powers by this Act conferred on the District Board.

Mandatories may be appointed.

XX. It shall be lawful for the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, in Cases where Her Majesty in right of Her Crown is Proprietor of any Fishery, and for any Corporation or Company, being the Proprietors of any Fishery, or for any Proprietor of a Fishery, respectively, from Time to Time to nominate and appoint, by any Writing under his or their Hand or Seal, any Person as the Mandatory of such Commissioners, Corporation, Company, or Proprietor to attend, act, and vote at any Meeting of Proprietors under this Act; and every such Nomination and Appointment shall subsist until recalled by the said Commissioners or

or either of them, or by the Corporation or Company or Proprietor making the same.

Payment to Sheriff Clerk in connexion with Elections.

XXI. All Expenses incurred by the Sheriff Clerk in making up the Roll of Proprietors, and in calling and attending the Meetings for the Election of the District Board, with such reasonable Remuneration for his Time and Trouble as shall be fixed by the Sheriff, shall be paid to the Sheriff Clerk by the District Board out of the Assessments to be levied under the Authority of this Act.

Powers and Duties of District Boards.

XXII. The District Board may sue or be sued in the Name of their Clerk, and if there be more than Six Members Three Members shall form a Quorum, and if there be fewer than Six Members Two shall form a Quorum, and they shall keep regular Books and Accounts, and shall hold their First Meeting within Ten Days after the First Election under this Act at a Time and Place to be fixed at the Meetings of Proprietors at which such Election took place, or in Cases where such Election is not necessary the First Meeting shall take place at a Time to be fixed by a Majority of the Proprietors, and Notice of such Meeting shall be given as herein-before provided with respect to the Publication of Byelaws to be made by the Commissioners; and the District Board shall have Power, subject to the Provisions of this Act and the Byelaws made by the Commissioners, to make and alter from Time to Time Regulations for the Preservation of the Fisheries in the District, and from Time to Time to appoint a Clerk, and such Number of Constables, Water Bailiffs, Watchers, and other Officers as they think fit, to fix and Prescribe the Duties of all Persons appointed by them, and to remove such Persons, and appoint other Persons in their Stead; and they may combine with any other District Board for the Purpose of this Act, and to maintain a common Staff of Officers for the Protection and Preservation of the Fisheries of more than One District, and may agree with the Police Committee of any County for the Purpose of paying additional Constables for the better Protection of the Fisheries in their District: Provided that all such Regulations shall, before taking effect, be reported to and approved by the Secretary of State, and shall not interfere with any vested Right of Property, and shall not authorize any Encroachment or Trespass on private Property.

Assessments may be imposed by District Boards.

XXIII. The District Board shall have power to impose an Assessment for the Purposes of this Act, to be called the Fishery Assessment, on the several Fisheries in each District, according to the yearly Rent or yearly Value of such Fisheries as entered in the Valuation Roll; and every Proprietor of a Fishery

Fishery which is not valued on the Valuation Roll, and who shall claim Right to vote in the Election of Members of the District Board, shall be held to be a Proprietor of a Fishery of the Value of Twenty Pounds, and shall be assessed accordingly; and such Fishery Assessments may be imposed, collected, and recovered by the District Board in the same Manner as Police Assessments may be imposed, collected, and recovered by the Commissioners of Supply under the Authority of the Public General Act, Twentieth and Twenty-first *Victoria*, Chapter Seventy-two; and for the Purpose of imposing, collecting, and recovering such Fishery Assessments the District Boards shall have and may exercise all the Powers conferred by the said Act on Commissioners of Supply for imposing, collecting, and recovering the Assessments leviable under the same.

As to future Elections of District Boards.

XXIV. Each District Board shall continue in Office for Three Years, and Members thereof shall be eligible for Re-election, and Vacancies occurring during such Period shall be filled up by the Board until the next Meeting of Proprietors, who shall then fill up the same; and Meetings of the Upper and Lower Proprietors respectively for the Purpose of each triennial Election of not more than Three Upper Proprietors and Three Lower Proprietors respectively shall be called by the Clerk, who shall give Notice of such Meetings by Advertisement as herein-before provided with respect to the Publication of Byelaws made by the Commissioners; and such Meetings shall at the same Time take such Steps as they shall think proper for auditing and attesting the Accounts of the District Board for the preceding Three Years.

Penalties for Breach of Byelaws and Regulations.

XXV. It shall be lawful for the District Board, by any Byelaw or Regulation to be made by them and approved of by the Secretary of State as herein-before provided, to enact that any Person committing any Breach or Contravention of such Byelaw or Regulation shall be liable for every such Offence to a Penalty not exceeding Two Pounds; and such Penalty may be sued for and recovered in the same Manner as Penalties incurred and imposed under the Provisions of this Act.

Forfeited Articles may be seized.

XXVI. Any Net, Rod, Line, or other Article directed to be forfeited under this Act may be seized by any Constable, Water Bailiff, Watcher, or other Officer appointed by the District Board, and the Sheriff or Justice may either order the same to be destroyed or to be sold, and the Proceeds of such Sale to be paid to the Clerk on behalf of the District Board.

Three or more Persons illegally fishing at Night

XXVII. If Three or more Persons acting in concert, or being together or in company, shall at any Time between the Expiration of the First Hour after Sunset on any Day and the Beginning of the last Hour before Sunrise on the following Morning

Morning enter or be found upon any Ground adjacent or near to any River or Estuary or the Sea, or in or upon any River or Estuary or the Sea, with Intent illegally to take or kill Salmon, or having in his or their Possession any Net, Rod, Spear, Light, or other Instrument used for taking Salmon with such Intent as aforesaid, or shall illegally take or kill, or attempt to take or kill, or aid or assist in killing or taking Salmon, every such Person shall be guilty in *Scotland* of a Criminal Offence, and in *England* within the Limits of the "*Tweed* Fisheries Amendment Act" of a Misdemeanor, and shall for every such Offence be liable to a Fine not exceeding Five Pounds, or to Imprisonment for any Period not exceeding Three Months, as the Sheriff or Justices before whom such Persons or any of them are tried and convicted may determine; and if such Fine be not paid immediately on Conviction, the Offender so failing to pay shall be sentenced to Imprisonment for such Period, not exceeding Three Months, as the Sheriff or Justices may adjudge, unless such Fine shall be sooner paid.

to be guilty of a Criminal Offence.

XXVIII. All Offences under this Act may be prosecuted and all Penalties incurred under this Act may be recovered before any Sheriff or any Two Justices acting together and having Jurisdiction in the Place where the Offence was committed, at the Instance of the Clerk of any District Board or of any other Person; and it shall be lawful for the Sheriff or Justices to whom any Petition or Complaint is presented to proceed in a summary Form, and to grant Warrant for bringing the Persons complained against before him or them, and on Proof on Oath by One or more credible Witness or Witnesses or Confession of the Person accused, or other legal Evidence, forthwith to determine and give Judgment in such Complaint, without any written Pleadings or Record of Evidence, other than a Record of the Charge and of the Judgment pronounced thereon, and to grant Warrant for the Recovery of all Penalties and Expenses decerned for, by Poinding, and Imprisonment for any Period not exceeding Six Months; and any Person who shall think himself aggrieved by any Judgment of the Sheriff or Justices pronounced in any Complaint or Prosecution under this Act may appeal to the Court of Justiciary at their next Circuit Court, or where there is no Circuit Court to the High Court of Justiciary at *Edinburgh*, in the Manner and under the Rules, Limitations, Conditions, and Restrictions contained in the Act passed in the Twentieth Year of the Reign of His Majesty King *George* the Second, Chapter Forty-three, for taking away and abolishing Heritable Jurisdictions in *Scotland*, with this Variation, that such Person shall, in place of finding Caution in the Terms prescribed by the said Act, be bound to find

Prosecution for Offences under this Act, and Recovery of Penalties.

find Caution to pay the Penalty and Expenses awarded against him by the Judgment appealed from, in the event of such Appeal being dismissed, together with any additional Expenses that shall be awarded by the Circuit Court or Court of Justiciary on dismissing such Appeal; and it shall not be competent to appeal from or bring the Judgments of any Sheriff or Justices acting under this Act under Review by Advocation or in any other Way than as herein provided.

Enforcement of Regulations and Byelaws.

XXIX. In the event of any Person refusing or neglecting to obey any Byelaw made by the Commissioners, or any Regulation made by the District Board, the Clerk may apply to the Sheriff by Summary Petition in ordinary Form, praying to have such Person ordained to obey the same, and the Sheriff shall take such Proceedings and make such Orders thereupon as he shall think just.

Expenses may be decerned for.

XXX. In giving Judgment on any Application or Complaint under this Act the Sheriff or Justices may find the Person complained against liable in Expenses, and may decern for Payment of the same.

Recovery of Penalties and Expenses.

XXXI. All Penalties and Expenses incurred under this Act, or under any Byelaw or Regulation made under the Authority thereof, may be recovered by Ordinary Action or in the Small Debt Court of the Sheriff.

Payment and Application of Penalties.

XXXII. The Penalties incurred under this Act shall in all Prosecutions at the Instance of the Clerk of any District Board be payable to and recoverable by such Clerk, and shall in all other Cases be paid and applied in such Manner as the Sheriff or Justices may direct; and all Penalties and Expenses received by the Clerk, and the Proceeds of the Sale of any Articles seized and directed to be sold as before provided, shall be applied by the District Board towards defraying the Expenses incurred by them in carrying into Execution the Provisions of this Act.

Certain Provisions of Act 24 & 25 Vict. c. 109. applied to Solway Firth.

XXXIII. From and after the First Day of *January* One thousand eight hundred and sixty-five the Provisions of the said Act, intituled *An Act to Amend the Laws relating to Fisheries of Salmon in* England, shall extend and apply to Salmon Fisheries in the Waters and on the Shores of the *Solway Firth* situate in *Scotland*, as the same may be fixed by Authority of this Act, and to the Rivers flowing into the same, in so far as such Provisions relate to the Use of fixed Engines for the taking of Salmon: Provided that all Offences against such Provisions shall be prosecuted and punished as directed by this Act.

This Act not to apply to the

XXXIV. No Part of this Act, with the Exception of the Tenth, Twelfth, and Twenty-seventh Clauses, shall apply to the

the River *Tweed*, or to any Fisheries in the said River or the Mouth or Entrance thereof, as defined by "The *Tweed* Fisheries Amendment Act, 1859;" and any Penalties incurred under the said Tenth, Twelfth, and Twenty-seventh Clauses of this Act shall, so far as concerns the River *Tweed*, be recoverable in manner prescribed by the *Tweed* Fisheries Amendment Act, 1857, which Act, and the *Tweed* Fisheries Amendment Act, 1859, shall remain in full Force and Effect, anything herein contained to the contrary notwithstanding. River Tweed.

CAP. XCVIII.

An Act for the Amendment of an Act of the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and thirty-nine, intituled An Act to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks, *and of an Act amending the last-mentioned Act.*—[*7th* August 1862.]

WHEREAS by an Act of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and thirty-nine, intituled *An Act to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks*, and herein-after referred to as the Principal Act, divers Regulations are made with respect to the Manufacture and keeping of Gunpowder, and with respect to the Manufacture of loaded Percussion Caps, and the Manufacture and keeping of Ammunition, Fireworks, Fulminating Mercury, or any other Preparation or Composition of an explosive Nature: And whereas by the Twenty-fifth Section of the Principal Act Provisions are made with respect to the Issue of Warrants to search and with respect to searching for Gunpowder, and by the Twenty-seventh Section 23 & 24 Vict. c. 139.

tion of the same Act special Powers are given to the Conservators of the River *Thames* of appointing Searchers for Gunpowder within their Jurisdiction: And whereas it is expedient to extend the said Sections to loaded Percussion Caps, Ammunition, Fireworks, Fulminating Mercury, or any other Preparation or Composition of an explosive Nature: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Extension of Sects. 25 & 27 of Principal Act to other Explosive Compositions.

I. The Twenty-fifth and Twenty-seventh Sections of the Principal Act shall be construed and applied as if the Word Gunpowder therein mentioned included loaded Percussion Caps, Ammunition, Fireworks, Fulminating Mercury, or any other Preparation or Composition of an explosive Nature.

Divisional Magistrates of Police to exercise licensing Powers within the Dublin Police District.

II. Whereas by an Act for amending the Principal Act passed in the Session holden in the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, Chapter One hundred and thirty, it is provided that all Powers of granting Licences by the Principal Act given to Justices of the Peace at their General Quarter Sessions shall be transferred to and vested in the Justices in Petty Sessions assembled: And whereas within the Police District of *Dublin* Metropolis the Powers usually exercised by Justices of the Peace in Petty Sessions are exercised by any Two or more Divisional Magistrates of Police; and it is expedient to amend the said Act of the Twenty-fourth and Twenty-fifth of *Victoria*, Chapter One hundred and thirty, in manner herein-after mentioned: Be it enacted, That the Powers of licensing vested in manner aforesaid in the Justices in Petty Sessions assembled may, within the Police District of *Dublin* Metropolis, be exercised by any Two or more Divisional Magistrates of Police; and that it shall be lawful for the said Divisional Magistrates of Police, or any Two or more of them, with the Sanction of the Lord Lieutenant of *Ireland*, to regulate the Mode in which Applications for Licences under the said Act are to be made, and to make a Scale of Fees to be charged in respect of such Licences.

Short Title of Principal Act and this Act.

III. The Principal Act may be cited for all Purposes as "The Gunpowder Act, 1860," and this Act shall be construed as One with the Principal Act, and may be cited for all Purposes as "The Gunpowder Act Amendment Act, 1862."

CAP. XCIX.

An Act to amend the Bankruptcy Act (1861).—[*7th* August 1862.]

CAP. C.

An Act to authorize Improvement Commissioners acting as Burial Boards to mortgage certain Rates for the Purposes of the Burial Acts.—[*7th* August 1862.]

CAP. CI.

An Act to make more effectual Provision for regulating the Police of Towns and populous Places in Scotland, *and for lighting, cleansing, paving, draining, supplying Water to and improving the same, and also for promoting the Public Health thereof.*—[*7th* August 1862.]

WHEREAS an Act was passed in the Thirteenth and Fourteenth Year of the Reign of Her present Majesty, intituled *An Act to make more effectual Provision for regulating the Police of Towns and populous Places in* Scotland, *and for paving, draining, cleansing, lighting, and improving the same:* And whereas an Act was passed in the Nineteenth and Twentieth Year of the Reign of Her present Majesty, intituled *An Act to make better Provision for the Removal of Nuisances, Regulation of Lodging Houses, and the Health of Towns in* Scotland: And whereas an Act was passed in the Twenty-third and Twenty-fourth Year of the Reign of Her present Majesty, intituled *An Act to amend the Police of Towns Improvement Act, so as to enable Towns and populous Places in* Scotland *to avail themselves of its Provisions for sanitary and other Improvements, without at the same Time adopting its Provisions as regards the Establishment and Maintenance*

13 & 14 Vict. c. 33.

19 & 20 Vict. c. 103.

23 & 24 Vict. c. 96.

Maintenance of a Police Force: And whereas it is expedient to make more effectual Provision for regulating the Police of Towns and populous Places in *Scotland*, and also for lighting, cleansing, paving, draining, supplying Water to and otherwise improving the same: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Repeal of Acts.

I. The first and third recited Acts, and Sections Sixty to Seventy, both inclusive, of the second-recited Act, shall be, and the same are hereby repealed, except only as regards any Burgh in which the Provisions of the said Acts or any Part thereof have, on or before the First Day of *August* One thousand eight hundred and sixty-two, been adopted, either in the Manner provided by the first-recited Act, or by the Incorporation of such Provisions or any Part thereof with any Local or Special Act relating to any such Burgh.

Short Title.

II. This Act may be cited for all Purposes as "The General Police and Improvement (*Scotland*) Act, 1862."

Interpretation of Terms.

III. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

The Expression "Royal Burgh" shall mean a Burgh having Magistrates and Councillors elected under the Powers of the Public General Act, Third and Fourth *William* the Fourth, Chapter Seventy-six, and also those Burghs enumerated in Schedule (F.) of the said Act:

The Expression "Parliamentary Burgh" shall mean a Burgh having Magistrates and Councillors elected under the Powers of the Public General Act, Third and Fourth *William* the Fourth, Chapter Seventy-seven:

The Word "Burgh," when used alone, shall include not only Royal Burgh, Parliamentary Burgh, Burgh incorporated by Act of Parliament, and Burgh of Regality and Barony, and contiguous Burghs of Regality and Barony, but also any populous Place the Boundaries whereof have been fixed and ascertained under the Provisions of the first-recited Act or of this Act:

The Expression "Parliamentary Boundaries" shall mean the Boundaries of Burghs as fixed by the Public General Act, Second and Third *William* the Fourth, Chapter Sixty-five:

The Expression "populous Place" shall mean any Town, Village, Place, or Locality, not being a Burgh to which Magistrates and Councillors were provided by either of the

the said Acts, Third and Fourth *William* the Fourth, Chapters Seventy-six and Seventy-seven, containing a Population of Seven hundred Inhabitants or upwards; and for the Purposes of this Act Two or more contiguous Towns, Villages, Places or Localities not being Burghs to which Magistrates and Councillors were provided as aforesaid, may be held to be a populous Place:

The Word "Person," and Words applying to any Person or Individual, shall apply to and include Companies and Corporations:

The Word "Householder" shall mean a Male Occupier of Lands or Premises of the yearly Value of Ten Pounds or upwards, in all Burghs, except in populous Places containing less than One thousand Inhabitants, and in populous Places containing less than that Number of Inhabitants, it shall mean a Male Occupier of Lands or Premises of the yearly Value of Six Pounds or upwards:

The Word "Occupier" shall include Tenant, but shall not include a Lodger or a Person in the Occupation as Tenant of a furnished House let for a less Period than One Year, but shall include the Person by whom such furnished House is so let:

The Word "Sheriff" shall mean the Sheriff of and acting in the County of which he is Sheriff, and, except as regards the fixing and extending the Boundaries of Burghs and populous Places, shall include Sheriff Substitute, and also Steward and Steward Substitute:

The Expression "the Commissioners" shall mean the Commissioners or Trustees for the Purposes of this Act acting in and for a Burgh by which this Act has been in whole or in part adopted; and "Trustees of Police" shall include Trustees of any Town exercising the Functions of Police Commissioners under any Local Act:

The Words "Magistrates" or "Magistrates and Council" shall include the Lord Provost or Provost:

The Word "Magistrates" shall mean a Magistrate or Judge having Police Jurisdiction under this Act or under any Local or General Act in force:

The Words "Clerk," "Treasurer," and "Collector" shall mean the Clerk, Treasurer, and Collector respectively appointed by the Commissioners under the Provisions of this Act:

The Word "Lands" and the Word "Premises" shall include all Lands, Springs, Rights of Servitude, Dwelling Houses, Shops, Warehouses, Vaults, Cellars, Stables, Breweries, Manufactories, Mills, and the fixed or attached

tached Machinery therein, Yards, Places, and other Heritages specified or included in the Act of the Seventeenth and Eighteenth *Victoria*, Chapter Ninety-one, intituled *An Act for the Valuation of Lands and Heritages in* Scotland:

The Word "Street" shall mean a public Street, and shall extend to and include any Road, Bridge, Quay, Lane, Square, Court, Alley, Close, Wynd, Vennel, Thoroughfare, and public Passage or other Place within the Burgh used either by Carts or Foot Passengers, not being a "private Street," and not being or forming Part of any Harbour, Railway, or Canal Station, Depôt, Wharf, Towing-path, or Bank:

The Expression "private Street" shall mean any Road, Street, or Place within the Burgh, (not being or forming Part of any Harbour, Railway, or Canal Station, Depôt, Wharf, Towing-path, or Bank,) used by Carts, and either accessible to the Public from a public Street, or forming a common Access to Lands and Premises separately occupied, and which has not been before the Adoption of this Act well and sufficiently paved and flagged by the Owners of Premises fronting or abutting on said Street, and which has not been maintained as a public Street:

The Word "Owner" shall include Joint Owner, Fiar, Life-renter, Feuar, or other Person in the actual Possession or Receipt of the Rents of Tenements, Lands, and Heritages of every Tenure or Description, and the Factor, Agent, or Commissioner of such Persons, or any of them, or any other Person, who shall intromit with or draw the Rents:

The Expression "Private Improvement Assessment" shall mean any Assessment or Charge on any Person for Private Improvement Expenses under this Act:

The Expression "District Assessment" shall mean any Assessment or Charge (other than a "Private Improvement Assessment") which is confined only to a Portion or District of any Burgh:

The Word "Cattle" shall include any Horse, Mare, Gelding, Foal, Colt, Filly, Bull, Cow, Heifer, Ox, Calf, Ass, Mule, Ram, Ewe, Wether, Lamb, Goat, Kid, or Swine:

The Expression "Police Purposes" or "Police Provisions" of this Act, except when otherwise limited, shall mean and include the whole Act, excepting those Enactments under the Head with respect to the "Promotion of the Public Health":

The

The Word "Carriage" shall include any Coach, Omnibus, Chariot, Fly, Car, Cabriolet, Gig, Brougham, Waggon, Timber Carriage, Dray, Truck, Hand-cart, Wheel-barrow, Hand-barrow, Lorry, or other Vehicle, used for the Conveyance of Goods or plying for Hire:

The Word "Broker" or "Brokers" shall extend to and include any Person or Persons dealing in second-hand Goods or Articles, or in Woollen Yarn or Waste, or in other unwrought Woollen Materials, or in old Metals, Bones, or Rags.

PART I.

ADOPTION OF THE ACT.

SECTION I.—*Boundaries of Burghs.*

Boundaries of Royal Burghs which send or contribute to send Members to Parliament.

IV. The Boundaries of such Royal Burghs as send or contribute to send a Member or Members to Parliament, shall, for the Purposes of this Act, include the whole Limits of such Burgh, as the same are defined by, or referred to in, the said Act, Third and Fourth *William* the Fourth, Chapter Seventy-six, or otherwise fixed by Law, unless it shall be resolved in adopting this Act that its Operation shall be limited to such Portion of the Burgh as is comprehended within the Parliamentary Boundaries.

Boundaries of Parliamentary Burghs.

V. The Boundaries of such Parliamentary Burghs as send or contribute to send a Member or Members to Parliament shall, for the Purposes of this Act, include the whole Limits of such Burgh, as the same are defined by, or referred to in, the said Act, Third and Fourth *William* the Fourth, Chapter Seventy-seven, or otherwise fixed by Law.

Boundaries of other Burghs, how to be fixed.

VI. The Boundaries of all other Royal Burghs, Burghs erected or incorporated by Act of Parliament, Burghs of Regality and of Barony, shall, for the Purposes of this Act, be fixed by the Sheriff as after provided; and on the Application of any Seven or more Householders in any such Burgh, or of the Magistrates and Council of any such Burgh, and after such Publication by Advertisement and otherwise as the Sheriff may direct, and after such Investigation (if any) as the Sheriff may deem necessary or proper, the Sheriff shall, and he is hereby required to mark out, define, and specify, in a written Deliverance, on such Application, the Boundaries of such Burgh, for the Purposes of this Act, and such Deliverance unless appealed against as herein-after provided, shall be final, and when recorded, along with the Application on which it proceeds, in the Sheriff Court Books of such County, shall

PART I. *Adoption of the Act.* Sect. 1.

shall fix and determine the Boundaries of such Burgh for the Purposes of this Act; and whenever the Boundaries of such Burgh as so ascertained for the Purposes of this Act shall include a Portion of a different County than that in which the original Bounds of such Burgh are situated, such Portion shall, for the Purposes of this Act, be held to be within and to form Part of the County in which such original Bounds are situated as aforesaid: Provided always, that it shall be lawful for any Landowner or Householder who considers himself aggrieved by the Deliverance of the Sheriff to appeal within Fourteen Days from the Date thereof from the said Deliverance of the Sheriff to One of Her Majesty's Principal Secretaries of State by a written Appeal setting forth the Grounds on which he disputes the Sheriff's Deliverance, and it shall be lawful for any of Her Majesty's Principal Secretaries of State upon such Appeal to direct Inquiry into the Circumstances of the Case, and to issue such Order thereupon as he may deem requisite to determine the Boundaries of such Burgh, and such Order shall be final, and when recorded along with the Appeal on which it proceeds in the Sheriff Court Books of such County shall fix and determine the Boundaries of such Burgh for the Purposes of this Act.

Boundaries of populous Places how to be fixed.

VII. The Boundaries of any populous Place shall, for the Purposes of this Act, be fixed by the Sheriff, on the Application of any Seven or more Householders in such populous Place; and after such Publication by Advertisement and otherwise as the Sheriff may direct, the Sheriff shall appoint and direct a proper Person to make out and furnish, within Fourteen Days thereafter, a Return showing to the best of his Knowledge and Belief the Amount of the Population within such populous Place, and thereafter, and after such further Investigation (if any,) as the Sheriff may deem necessary or proper, it shall be lawful for the Sheriff and he is hereby required to mark out, define, and specify in a written Deliverance on such Application the Boundaries of such populous Place, and to declare that such Place is a populous Place in Terms of this Act; and such Deliverance unless appealed against in manner herein provided shall be final, and when recorded along with the Application on which it proceeds in the Sheriff Court Books of the County shall fix and determine the Boundaries of such populous Place for the Purposes of this Act: Provided always, that it shall be lawful for any Landowner or Householder who considers himself aggrieved by the Deliverance of the Sheriff to appeal from such Deliverance to One of Her Majesty's Principal Secretaries of State, in manner as is above provided in regard to the Boundaries of other Burghs, whose Order

Order shall in that Case be final, and when recorded in manner foresaid shall fix and determine the Boundaries of such populous Place for the Purposes of this Act.

If not adopted within a Year, Boundaries to be held to be unascertained.

VIII. If at the Expiration of One Year from the Date of such Deliverance, in regard to any such Burgh or populous Place, this Act shall not have been adopted by such Burgh or populous Place in whole or in part, the Boundaries of such Burgh or populous Place shall, for the Purposes of this Act, be held and taken to be still unascertained.

Power to rectify Errors committed by Sheriffs in defining Boundaries.

IX. In the event of any Error having been committed by any Sheriff in defining the Boundaries of any Burgh or populous Place, under the Powers hereby or by the said recited Acts hereby repealed conferred, it shall be lawful for the Commissioners to bring the Matter under the Consideration of the Sheriff, who shall have Power to rectify any such Error, and whose Judgment thereon shall be final, and the Boundaries as so rectified shall, in regard to all future Acts, Payments, and Liabilities, be held to be the Boundaries originally assigned by the Sheriff under the said Acts hereby repealed and this Act: Provided always, that any Acts done or Payments made prior to such Rectification shall be nowise affected thereby, but the same, in so far as done or made *bonâ fide*, shall, notwithstanding such Error, be as valid, final, and free from Challenge, as if such Error had not been committed.

Commissioners of Burghs, other than Royal and Parliamentary Burghs, may apply to Sheriff for Revision of Boundaries.

X. Upon the Application of the Commissioners of any Burgh, other than a Royal or Parliamentary Burgh, and after such Publication and Investigation as aforesaid, it shall be lawful for the Sheriff and he is hereby required, from Time to Time as Occasion shall require and he shall deem necessary, to revise and extend the Boundaries of such Burgh; and the Sheriff shall and he is hereby required to mark out, define, and specify, in a written Deliverance on such Application, the revised and extended Boundaries of such Burgh, for the Purposes of this Act, and such Deliverance unless appealed against in manner herein provided shall be final, and when recorded, along with the Application on which it proceeds, in the Sheriff Court Books of the County, shall fix and determine the Boundaries of such Burgh for the Purposes of this Act in all Time thereafter, or until again revised and extended as hereby allowed: Provided always, that it shall be lawful for any Landowner or Householder who considers himself aggrieved by any Deliverance of the Sheriff to appeal from such Deliverance to One of Her Majesty's Principal Secretaries of State in manner herein-above provided, whose Order shall in that Case be final, and when recorded in manner foresaid shall

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shall fix and determine the Boundaries of such Burgh for the Purposes of this Act.

Boundaries of Royal Burghs may be extended.

XI. Where any Royal Burgh which has adopted this Act, in whole or in part, by a Resolution of the Magistrates and Council thereof, as herein-after provided for, is within or is in any Part within the Parliamentary Boundaries of such Burgh, the Magistrates and Council of such Royal Burgh may, by a Resolution of the Magistrates and Council assembled at a Meeting to be held for that Purpose, authorize and direct a Petition to be presented to the Sheriff of the County in which such Royal Burgh is situated, praying him to extend the Boundaries of such Royal Burgh to the Parliamentary Boundaries of such Burgh or to any Part thereof; but no such Resolution shall be valid unless a Month's previous Notice of the Meeting and the Purpose thereof has been given in the Manner in which Notices of Meetings of the Magistrates and Council are usually given, nor unless Two Thirds of the Members present at the Meeting concur in the Resolution.

Householders beyond existing Boundaries of such Royal Burghs may oppose Extension.

XII. The Sheriff shall, after the Presentation of the said Petition order Intimation thereof to be given by public Advertisement, in such Manner as he shall think proper; and it shall be competent for any Seven or more Householders who are beyond the Limits of such Royal Burgh, and within such Parliamentary Boundaries, to appear and object to the Prayer of the Petition; and the Sheriff shall have Power, in a summary Way, to dispose of such Objections, after such Inquiry as to him shall seem meet; and the Judgment of the Sheriff granting the Prayer of such Petition, or sustaining the Objections to the same, shall be final and conclusive.

Sheriff's Deliverance to be final.

XIII. If the Sheriff shall grant the Prayer of the Petition, he shall issue a Deliverance to that Effect on the Petition, and such Deliverance shall be final, and when recorded along with the Petition in the Sheriff Court Books of the County, the Parliamentary Boundaries aforesaid shall thereafter be the Boundaries of the Royal Burgh for all Municipal Purposes, and all Matters connected with Police, including the Right of voting for Town Councillors.

Application for Extension of Boundaries may be renewed.

XIV. If the Magistrates and Council of such Royal Burgh shall have resolved not to apply to the Sheriff, as above provided for, the Magistrates and Council may, as often as they shall think proper thereafter, but not sooner than One Year from the Date of the preceding Meeting, by such and the like Proceedings, resolve to apply to the Sheriff to extend the Boundaries as aforesaid; but in the event of the Sheriff having sustained the Objections to the Petition, which may have been

been presented to him in virtue of any Resolution to that Effect in Terms of this Act, it shall not be lawful to resolve to present another Petition for the Purpose of extending such Boundaries until after the Expiration of Two Years from and after the Date of the Rejection of the last Petition.

PART I.

SECTION II.—*Adoption of Act by Magistrates and Councils or Commissioners or Trustees of Police.*

Parties who may adopt this Act.

XV. This Act may be adopted either in whole or in part; (that is to say,) in Parts, Sections, or Clauses,—

(1.) In Royal or Parliamentary Burghs, where there is no Board of Commissioners or Trustees of Police, under the Provisions of any General or Local Act of Parliament, other than the Magistrates and Council of such Burghs, by a Resolution of the Magistrates and Council of such Royal or Parliamentary Burghs, at a Meeting held for the Purpose:

(2.) In Royal or Parliamentary Burghs where there is such a Board of Commissioners or Trustees as aforesaid, by a Resolution of the said Commissioners or Trustees at a Meeting held for the Purpose:

(3.) In Burghs, not being Royal or Parliamentary Burghs, which have adopted, in whole or in part, the Provisions of the said Act Thirteenth and Fourteenth *Victoria*, Chapter Thirty-three, or which have Commissioners or Trustees of Police, under the Provisions of any Local Act of Parliament, by a special Order, as herein-after defined, of the Commissioners or Trustees of Police acting in and for such Burghs respectively:

But no such Resolution passed by any Magistrates and Council, or Commissioners or Trustees of Police, shall be valid unless a Month's previous Notice of the Meeting, and of the Purpose thereof, has been given in the Manner in which Notices of Meetings of such Magistrates and Council or Commissioners or Trustees of Police respectively are usually given, nor unless Two Thirds of the Members present at the Meeting concur in the Resolution for such Adoption: Provided always, that such Adoption in part of this Act shall not affect any Interests which shall have been specially regulated by any such Local Act.

Limits within which the Act shall

XVI. Where this Act is adopted in whole or in part, as above provided for, this Act, so far as adopted, shall apply as follows; viz.

If

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apply when so adopted.

If adopted by the Magistrates and Council of any Royal Burgh, to the whole Limits of such Royal Burgh, and to any additional Territory over which they as Commissioners of Police possess Jurisdiction, unless it shall be resolved in adopting the Act that its Operation shall be limited to such Portion of the Burgh as is comprehended within the Parliamentary Boundaries:

If adopted by the Magistrates and Council of any Parliamentary Burgh, to the whole Limits of such Burgh:

If adopted by the Commissioners or Trustees of Police of or in any Burgh, to the whole Territory over which such Commissioners or Trustees possess Jurisdiction, as the same is established by any General or Local Act, or otherwise fixed by Law, which Commissioners or Trustees shall not levy Assessments nor in any way exercise Jurisdiction beyond the Limits of such Territory, and in such Case the Word "Burgh" in this Act shall apply only to such Territory, anything in this Act to the contrary notwithstanding.

Proceedings with reference to Adoption of Act may be renewed.

XVII. If the said Magistrates and Council or Commissioners or Trustees of Police shall have resolved not to adopt the Provisions of this Act, or having adopted it, in whole or in part, shall have limited its Operation to the Area within the Parliamentary Boundaries, the Magistrates and Council or the Commissioners or Trustees may, as often as they shall think proper thereafter, but not sooner than One Year from the Date of the preceding Meeting, by such and the like Proceedings again take this Act into consideration, and adopt the same, in whole or in part, or determine not to adopt the same, or determine to extend its Operation to the whole Area within the Parliamentary Boundaries thereof; and if at any Time Part of this Act shall have been adopted, it shall be lawful at any Time, by such and the like Proceedings, to adopt such Part thereof as may not have been formerly adopted.

Where this Act adopted, other Acts repealed.

XVIII. If the said Magistrates and Council or Commissioners or Trustees of Police adopt this Act in whole, any General or Local Police Act in operation within such Burgh shall be repealed, excepting in so far as it may relate to Matters not provided for in this Act; and if they resolve to adopt this Act in part, such Resolution shall specify the Parts, Sections, or Clauses so adopted; and no Part of this Act which is not so specified shall be held to be adopted, except as much thereof as is requisite for giving due Effect to, or as in any way modifies, affects, or controls, the Parts, Sections, or Clauses so adopted, to which Extent this Act shall be held to be as effective as if the whole had been adopted according to

to the true Intent and Meaning of this Act; and any such General or Local Act in operation within such Burgh shall remain in force in so far as not inconsistent with the Parts, Sections, or Clauses so adopted.

Where Act partially adopted, the Commissioners may adopt the Portion not previously adopted.

XIX. Where any Burgh, other than those above provided for, has adopted in part the Provisions of this Act, it shall be lawful to the Commissioners appointed and acting under this Act in any such Burgh at any Time to adopt such Part of this Act as may not have been formerly adopted by a Resolution of the said Commissioners assembled at a Meeting to be held for that Purpose; but no such Resolution shall be valid unless a Month's previous Notice of the Meeting and the Purpose thereof has been given in the Manner in which Notices of Meetings of the said Commissioners are usually given, nor unless Two Thirds of the Members present at the Meeting concur in the Resolution.

Proceedings to be reported to Sheriff.

XX. All such Resolutions in reference to the Adoption of this Act, in whole or part, as above provided for, shall forthwith be reported to the Sheriff, and he shall, within Forty-eight Hours after the Receipt thereof, pronounce a Deliverance thereon, finding and declaring, as the Case may be, either that this Act has not been adopted, or that the Powers or Provisions thereof (in so far as such Resolution shall show this to have been the Case) have been adopted, and that this Act shall apply to such Burgh as aforesaid in manner therein set forth, and shall forthwith cause such Resolution and Deliverance to be recorded in the Sheriff Court Books of the County and in the Books of the Burgh to which they specially apply; and such Deliverance by the Sheriff shall be final.

Contracts, &c. under former Acts to be saved.

XXI. When this Act shall be adopted, in whole or in part, in any Burgh which had previously adopted, in whole or in part, the Powers and Provisions of the said recited Acts hereby repealed, or in any Burgh which had previously possessed a Local Act or Acts, all Bonds, Contracts, Covenants, Agreements, and Securities made and entered into, and Obligations incurred, and all Assessments imposed or to be imposed under and by virtue of such recited Acts or of such Local Act or Acts, in so far as regards anything done under such Acts or any of them previous to the Adoption of this Act, shall remain in full Force and Effect, and shall continue available and binding on all concerned; and nothing herein contained shall be construed to affect the Debts, Rights, or Claims of any Creditor, or any special Interest provided for, under such recited Acts or under such Local Act or Acts; and the Officers appointed under and employed in the Execution of such Acts shall continue to exercise their Offices until they are respectively superseded

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seded or legally removed therefrom under the Authority of this Act.

Property vested in Commissioners under this Act.

XXII. Notwithstanding anything in this Act in the contrary implied or expressed, and whether this Clause be adopted by any Burgh or not, it is hereby enacted, That in all Cases where the Management of the Police Affairs of any Burgh is transferred from any existing Commissioners of Police, or other Persons, to the Magistrates and Council of such Burgh, or to Commissioners elected under this Act, the whole Lands, Heritages, Assessments, Claims, Demands, and Effects of every Kind belonging to or vested in the Commissioners of Police, or other Persons, from whom such Management is so transferred, or in any Person on their Behalf, and all Powers, Rights, and Privileges conferred on or vested in such Commissioners of Police, or other Persons, by any Act of Parliament, in so far as not inconsistent with the Provisions of this Act, shall be and are hereby transferred to and vested in the Magistrates and Council or Commissioners to whom such Management is so transferred, who shall be liable for the whole Debts and Obligations of the Commissioners of Police, or other Persons from whom such Management is transferred; and in all Cases where this Act shall be adopted in whole or in part, such Adoption shall not free or relieve the Magistrates and Council or Commissioners of Police of any Burgh from any Obligations incumbent on them at the Date of such Adoption; and all such Obligations, together with the Powers of Assessment and other Faculties therewith connected, shall remain in full Force as if this Act had not been adopted.

PART I.

SECTION III.—*Adoption of Act by Householders.*

Burghs may convene a Meeting of Householders to consider of the Adoption of this Act.

Boundaries of Burgh to be ascertained previously.

XXIII. It shall be lawful for any Seven or more Householders in any Burgh to apply in Writing to the Chief or Senior Magistrate of such Burgh, if a Royal or Parliamentary Burgh, or if otherwise to the Sheriff of the County in which such Burgh is situated, requiring him to convene a Meeting of Householders in such Burgh for the Purpose of considering whether the Provisions of this Act, or any Part of the same, shall be adopted and carried into execution within such Burgh: Provided always, that previously to such Requisition being entertained by such Magistrate or Sheriff the Boundaries of such Burgh, where required to be ascertained for the Purposes of this Act, shall have been ascertained in manner herein provided.

XXIV. Such

Return of the Population and Lists of Householders to be made out.

XXIV. Such Magistrate or Sheriff shall, upon receiving such Requisition for convening a Meeting, accompanied, if he shall so require, with a satisfactory Undertaking to pay the Expenses after mentioned, appoint and direct a proper Person to make out and furnish, within Fourteen Days thereafter (except where previously made out and furnished as directed by this Act), a Return showing, to the best of his Knowledge and Belief, the Amount of Population residing within such Burgh, and shall also direct the Assessors under the Acts in force for the Valuation of Lands and Heritages in *Scotland* within such Burgh to furnish him, within the like Period, with a List of the Names of all Householders within such Burgh; which List of Householders, distinguishing the Amount of Rental at which each Person is assessed, the said Assessors are hereby required to make and certify, on Payment of a Fee of not more than One Shilling for each One hundred Names, and which List shall be sufficient Proof of the Qualification of the Householders named therein.

Mode of calling First Meeting.

XXV. On Receipt of such Requisition, such Magistrate or Sheriff shall convene the Householders in the Town Hall or other convenient Place within such Burgh, as the Case may be, and shall lay this Act before such Meeting, together with such Requisition, Return, and List aforesaid, and shall attend and shall preside at such Meeting, and at each subsequent Meeting authorized by this Act, and shall appoint a Clerk thereat, who shall make regular Minutes of the Proceedings thereof; and such Magistrate or Sheriff shall, in case of Equality of Votes, besides a deliberative Vote, have a casting or decisive Vote.

Meetings to be intimated by posting Handbills, &c.

XXVI. Such Meeting shall be held on a Day not less than Twenty-one Days or more than Thirty Days after such Magistrate or Sheriff shall have received such Requisition to convene a Meeting as aforesaid, and Intimation thereof shall be made by posting Handbills within such Burgh Fourteen Days preceding the Day of the Meeting, in the Form of the Schedule marked (A.) hereunto annexed, and by any Mode of Intimation usually adopted in such Burgh, Two Days in each Week for Two Weeks before such Meeting, or by open Proclamation within such Burgh, and also by an Advertisement in any Newspaper published in such Burgh, and if no Newspaper be published therein, then in a Newspaper circulating in such Burgh, at least Three clear Days before the Day appointed for such Meeting.

Qualification of Voters.

XXVII. At such Meeting, and generally at all Meetings and Elections under this Act, all Householders shall be entitled to vote; and Companies or Copartnerships occupying

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pying Lands or Premises of the yearly Value required for the Qualification of a Householder as before defined, or of greater Value, so as to afford more than One such Qualification, shall be entitled to grant Authority in Writing to any One or more of the Partners of such Company or Copartnership to vote, and which Partner or Partners shall be deemed to be a Householder within the Meaning of this Act, and be entitled to vote accordingly: Provided always, that such Company or Copartnership shall not so authorize or have Right to vote by more than One Partner in respect of each such Qualification afforded by such Premises: Provided also, that in case of any Difficulty arising as to the Qualification or Identity of any Householder, the same shall be decided at such Meeting by such Magistrate or Sheriff, whose Determination shall be final.

Power of Meeting to adopt this Act, or to decline to adopt it.

XXVIII. Such Meeting shall proceed to consider and determine whether this Act shall, in whole or in part, be adopted and carried into execution within such Burgh, or shall appoint a Committee of their own Number, not exceeding Nine, to inquire and report to some future Meeting to be held on such Day as shall be appointed, and such future Meeting shall, upon the Report of such Committee, proceed in all respects in the Manner herein directed for such First Meeting.

Preses to declare the Determination of the Meeting.

XXIX. Such Magistrate or Sheriff shall ascertain the Determination of such Meetings by a Show of Hands, or in such other Manner as shall appear to him expedient, and shall declare the same, which Declaration shall be final, unless a Poll shall be then demanded in Writing by any Seven Persons present and qualified to vote at such Meeting.

Preses to direct a Poll when demanded.

XXX. When such Poll shall be demanded as aforesaid, such Magistrate or Sheriff shall direct the same to be proceeded in at such Polling Place or Places and within such Period as he shall determine, not exceeding Two clear Days from the Date of such Demand in Writing, exclusive of *Sundays*, and the polling shall commence at the Places intimated at Nine of the Clock of the Forenoon of the Day that shall be named.

Poll not to be open more than One Day.

XXXI. No Poll by this Act authorized to be taken shall be kept open for more than One Day, and that only between the Hours of Nine in the Morning and Four in the Afternoon.

Poll Books to be provided.

XXXII. Such Magistrate or Sheriff shall, either in Person or by a legal Substitute or Substitutes, whom he is hereby authorized to appoint when necessary, preside at the Poll, and shall direct the necessary Number of Poll Clerks to be

be appointed, and of Poll Books to be prepared in the Form of Schedule (B.) hereunto annexed, in which Books shall be inscribed by such Clerks the situation of the Premises in respect of which the Voter is qualified, and the Manner in which he votes: Provided always, that such Substitute or Substitutes shall possess the Qualifications required for the Assessor and Substitute under the said Act, Third and Fourth *William* the Fourth, Chapter Seventy-six.

State of Poll to be ascertained and declared.

XXXIII. As soon after the Close of the Poll as may be, the Persons who shall have presided thereat shall seal up and transmit the Poll Books to such Magistrate or Sheriff, who shall sum up the same, and openly declare the Result of the total Poll at an adjourned Meeting to be held on the next lawful Day after the Polling Day; and such Declaration shall be final, unless any Householder present at such adjourned Meeting shall then and there demand a Scrutiny, and on such Householder finding Caution or Security to the satisfaction of such Magistrate or Sheriff for the Reimbursement of the Expenses attending the same, such Scrutiny shall be made by such Magistrate or Sheriff in such Way and Manner as he may deem proper, and shall be reported to another adjourned Meeting to be appointed by such Magistrate or Sheriff, to be held on a Day not later than the Third Day from the Meeting held immediately after the Day of Polling, and the Result of such Scrutiny as declared by such Magistrate or Sheriff shall be final, and the Person demanding such Scrutiny shall be liable in the Expense thereof.

Majority necessary to adopt this Act, in whole or in part.

XXXIV. Any Resolution to adopt the Provisions of this Act, in whole or in part, shall be effectual if it be carried by a Majority of the Persons qualified and voting as aforesaid.

Provision if Act adopted in whole or in part only.

XXXV. If such Resolution shall be to adopt this Act in whole, any General or Local Police Act in operation within such Burgh shall be repealed, excepting in so far as it may relate to Matters not provided for in this Act; and if such Resolution shall be to adopt this Act only in part, the Parts, Sections, or Clauses so adopted shall be specified in the Minutes of such Meeting; and no Part of this Act which is not so specified shall be held to be adopted, except as much thereof as is requisite for giving due Effect to the Parts, Sections, or Clauses so adopted, according to the true Intent and Meaning of this Act; and any such General or Local Act in operation within such Burgh shall remain in force in so far as not inconsistent with the Parts, Sections, or Clauses so adopted: Provided always, that such Adoption in part of this Act

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Act shall not affect any Interests which shall have been specially regulated by any such Local Act.

Further Proceedings on Act being adopted.

XXXVI. Where this Act shall be adopted in any Burgh, in whole or in part, the Resolution to adopt it shall not be subject to any further Question; and the Householders thereof present at the Meeting adopting this Act, or at some adjourned Meeting as aforesaid, shall then and there proceed to determine by a Majority of Votes, and shall set forth in their Minutes, the Number of Commissioners to be elected by the Householders to carry this Act into operation, and also whether such Burgh shall be divided into Wards for the Purposes of this Act, and, if so, the Bounds and Limits of such Wards.

Proceedings to be reported to the Sheriff.

XXXVII. The Minutes and Resolutions of and whole Documents laid before such Meetings shall be transmitted by the Clerk to the Sheriff within Forty-eight Hours after the Close of the Proceedings, and the Sheriff shall, within Forty-eight Hours after the Receipt thereof, pronounce a Deliverance thereon, finding and declaring, as the Case may be, either that this Act has not been adopted, or that the Powers and Provisions thereof (in so far as such Minutes shall show this to have been the Case) have been adopted, and that this Act shall apply to such Burgh in manner therein set forth, and shall forthwith cause such Deliverance to be recorded in the Sheriff Court Books of the County, and in the Books (if any be) of the Burgh to which they specially apply; and such Deliverance by the Sheriff shall be final.

If Act not adopted, Proposal may be reconsidered after One Year.

XXXVIII. Where any Burgh shall have resolved not to adopt the Provisions of this Act, or shall have adopted them only in part, the Householders thereof may, as often as they shall think proper, thereafter, but not sooner than One Year from the Date of any preceding Meeting held for the Purpose of considering whether the Act should be adopted, in whole or in part, by such and the like Proceedings, again take this Act into consideration, and adopt the same, in whole or in part, or determine not to adopt the same.

Expenses attending the calling First Meeting, &c. how to be borne.

XXXIX. If the Provisions of this Act shall be adopted, in whole or in part, all the Expenses incurred in relation to fixing the Boundaries, calling the First Meeting, making out Population Returns and Lists of Householders, and otherwise in relation to carrying this Act into execution, shall be defrayed out of the Police Assessment herein-after provided; but in case the Provisions of this Act shall not be adopted, in whole or in part, then the whole Expenses incurred in relation to fixing the Boundaries shall be paid and borne by the Persons signing the Application in that Behalf; and the whole Expenses incurred in relation to calling and holding the First Meeting

Meeting, making out Returns and Lists, taking Polls, and all other Expenses whatsoever thereto relating, except as herein specially provided for, shall be paid and borne by the Persons signing the Requisition for holding such Meeting; and the Party who shall have disbursed such Expenses is hereby authorized to pursue for and recover the same, with Expenses of Suit, and that by summary Process before the Sheriff, whose Determination shall be final.

PART I.

SECTION IV.—*Commissioners for the Purposes of this Act in Royal and Parliamentary Burghs, Burghs erected or incorporated by Act of Parliament, and Burghs of Regality and Barony.*

In certain Royal and Parliamentary Burghs Magistrates and Councils shall be Commissioners for executing this Act.

XL. Where the Powers and Provisions of this Act shall be, in whole or in part, adopted in any Royal or Parliamentary Burgh, the Magistrates and Council of such Burgh for the Time being shall, under the Exception after mentioned, be the Commissioners for carrying this Act, or such Part thereof as shall be adopted, into operation, as regards such Burgh, and no special Election of Commissioners of Police or Magistrates of Police for such Burgh shall take place under this Act, and the Magistrates of such Burgh shall be the Magistrates of Police thereof; and the said Magistrates and Council as Commissioners, and the said Magistrates as Magistrates of Police, shall have all the Powers, Privileges, and Jurisdictions of Commissioners and Magistrates of Police respectively under this Act which are by this Act conferred on Commissioners and Magistrates of Police respectively.

In Burghs of Regality or Barony having Magistrates and Councils, the Householders may vest such Magistrates and Councils with the Office of Commissioners.

XLI. Where the Powers and Provisions of this Act shall be, in whole or in part, adopted in any Burgh of Regality or Barony having Magistrates and Council (not being a Burgh in which as bounded for the Purposes of this Act there shall be included any Territory situated in a different County from that in which such Burgh as previously bounded was situated), it shall, under the Exception after provided for, be in the Power of the Householders thereof present at the Meeting adopting the same unanimously, or at some adjourned Meeting as aforesaid, to determine by a Majority of Votes, and to set forth on their Minutes, that the Magistrates and Council of the Burgh shall always for the Time being be the Commissioners for carrying this Act, or such Part thereof as shall be adopted, into operation, as regards such Burgh; and in that Case only such Magistrates and Council for the Time being shall always be such Commissioners within such Burgh, and no special Election

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Election of Commissioners of Police or Magistrates of Police for such Burgh shall take place under this Act; and the Magistrates of such Burgh shall be the Magistrates of Police thereof, and shall have all the Powers, Privileges, and Jurisdictions of Magistrates of Police under this Act; but in the event of no such Determination being come to by the Householders as aforesaid, Commissioners and Magistrates of Police shall be elected for such Burgh in manner herein provided.

Commissioners in certain Burghs Acts to continue, and the Magistrates of Burghs not to be affected by Adoption of this Act.

XLII. Where the Powers and Provisions of this Act shall be adopted, in part, in any Burgh having Commissioners or Trustees of Police under the Provisions of any Local Act of Parliament, or of the Act of the Thirteenth and Fourteenth *Victoria*, Chapter Thirty-three, such Commissioners or Trustees shall be the Commissioners for carrying such Part of this Act into operation, and such Acts shall continue in force in regard to such Commissioners as if this Act had not been so adopted, and no special Election of Commissioners of Police for such Burgh shall take place under this Act; and the Magistrates of such Burgh shall continue the Magistrates of Police thereof, the same as if no such Adoption of this Act had taken place, and accordingly no special Election of Magistrates of Police shall take place under this Act; and the said Magistrates as Magistrates of Police, and the said Commissioners or Trustees of Police under such Acts as Commissioners of Police, shall have all the Powers, Privileges, and Jurisdictions of Commissioners and Magistrates of Police respectively under this Act as are by this Act conferred on Commissioners and Magistrates of Police respectively: Provided always, that nothing herein contained shall prejudice the Right of the Magistrates and Council of any Royal or Parliamentary Burgh at any Time to make Application to unite the Municipal and Police Government of such Royal or Parliamentary Burgh in manner herein-after provided.

Power to grant certain Exemptions.

XLIII. It shall be lawful for any Burgh, having adopted this Act, in whole or part, either in the Resolution so adopting this Act, or by any subsequent Resolution of the Magistrates and Council, or Commissioners, as the Case may be, at a Meeting held for the Purpose, to exempt for a Time any Places, Grounds, and Houses, in the suburban Part or Parts or the Burgh from all or any of the Provisions of this Act so adopted; which Places, Grounds, and Houses, if so exempted from all such Provisions, shall during the Continuance of such Exemptions be free from Payment of any of the Assessments for such Purposes by this Act authorized to be levied; but in the event of any such Places, Grounds, and Houses being only partially exempted from the said Provisions

sions or any of them, then such Places, Grounds, and Houses so partially exempted shall be liable in Payment of such Part of the said Assessments as shall be fixed and determined by the Magistrates and Council, or Commissioners; and it shall be lawful for the Magistrates and Council, or Commissioners, by a like Resolution, from Time to Time to extend the Period of such Exemptions: Provided always, that such Exemption shall only be made upon the Application or with the Consent of the Owners or Occupiers of the Lands and Premises situated within such Part or Parts of the Burgh so to be exempted, the Rent or Value of which shall amount to Two Thirds of the Rents or Value of the whole Lands and Premises therein, but not otherwise; and it shall be lawful for any Person who thinks himself aggrieved thereby to appeal to the Sheriff in manner after provided.

PART I.

SECTION V.—*Elected Commissioners in other Burghs.*

Number of Commissioners.

XLIV. In Burghs where Commissioners shall be elected as herein provided for the Purposes of executing this Act, they shall not exceed Twelve in Number; but the Number may be less than Twelve and not less than Six, as may be determined on in manner herein-before provided.

If Burgh divided into Wards.

XLV. Where the Burgh shall be divided into Wards as aforesaid, the Number of Wards and the Number of Commissioners to be elected shall be so settled and adjusted that there shall be Three Commissioners for each Ward.

Meeting for Election of Commissioners to be convened.

XLVI. As soon as may be after the Deliverance of the Sheriff declaring that this Act shall apply, in whole or in part, to any Burgh adopting the same, and for which Commissioners fall to be elected under this Act, the Chief or Senior Magistrate of such Burgh, if a Royal or Parliamentary Burgh, or if otherwise, the Sheriff, shall convene a Meeting of the Householders of the Burgh in the Town Hall or other convenient Place within the Burgh, for the Election of Commissioners for the Purpose of executing this Act, and the Commissioners shall be elected by such Meeting, of which Meeting such Magistrate or Sheriff shall be Preses, or, if the Burgh shall be divided into Wards, such Magistrate or Sheriff shall convene a Meeting of the Householders in each Ward, at some convenient Place in the Ward to be specified in the Notice to be given of such Meeting for the Election of Commissioners for the Purpose of executing this Act, and the Commissioners for each Ward shall be elected by the Meeting in such Ward, and the Householders present at such Ward Meeting shall elect the Preses of such Meeting; and all Meetings

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Meetings for electing Commissioners shall be summoned in the same Manner and at the same Distance of Time as is provided for the First Meeting to be held with respect to the Adoption of this Act.

Election of Commissioners.

XLVII. Such Election shall be proceeded with in manner following; (that is to say,) any Householder of the Burgh shall be eligible to be elected a Commissioner for the Purposes of this Act, and may be proposed and seconded by any Householders within the Burgh, or if such Burgh shall have been divided into Wards, then by any Householders within the Ward for which the Election is to take place; and the Preses of the Meeting shall ascertain and declare the Resolution thereof in manner herein-before provided in regard to Meetings held with respect to the Adoption of this Act; and if such Election shall not be unanimous, and if a Poll shall be demanded in Writing by any Seven Householders present at such Meeting, such Magistrate or Sheriff shall open and proceed with such Poll in the Manner herein-before provided in regard to Polls with respect to the Adoption of this Act, and shall provide Poll Books in the Form of Schedule (C.) hereunto annexed, in which the Votes shall be entered, and shall declare the Result of such Poll as appearing on such Books; and such Magistrate or Sheriff shall be reimbursed all such reasonable Charges or Expenses as may be incurred in providing Clerks and Books, and otherwise in the Performance of the Duties hereby required of them, out of the Police Assessment levied under the Authority of this Act.

First Meeting of Commissioners.

XLVIII. The Commissioners elected under this Act shall, at Twelve of the Clock Noon on the First *Monday* after the First and each annual Election, hold their First General Meeting in the Town Hall or other convenient Place within the Burgh, with Power to adjourn to any other Day or Place which they may think fit; and every Person who may consider that he ought to have been returned as a Commissioner may lodge a Complaint in Writing, signed by him or by some other Person duly authorized on his Behalf, with the Commissioners assembled at such Meeting, who shall thereupon remit to a Committee of Three or Five of their Number to inquire into the Merits of such disputed Election, and to report thereon to a subsequent Meeting of the Commissioners, and such Report shall be final; and in case there shall be an Equality of Votes at any Election, the Commissioners shall determine by Vote which of the Candidates shall be preferred; and no Election or Appointment under this Act shall thereafter be liable to be challenged, and no such Election or Appointment shall be quashed or set aside on account of any Misnomer,

Misnomer, Omission, or other Informality; and every Party returned as a Commissioner shall be entitled to act until upon a Scrutiny his Return shall be quashed or set aside; and the Commissioners returned shall be entitled to act, although from any Cause the full Number of Commissioners may not be filled up.

Commissioners to choose a Senior and Two Junior Magistrates of Police.

XLIX. The Commissioners shall at such First Meeting or adjourned Meeting, by a Plurality of Votes, (the Commissioner who had the greatest Number of Votes at the Election of Commissioners having a casting or double Vote in case of Equality,) elect from among their own Number a Senior and Two Junior Magistrates of Police.

One Third of Commissioners to be elected annually.

L. One Third of the Commissioners, or, where the Burgh is divided into Wards, One Third of the Commissioners for each Ward, shall go annually out of Office on the same Day of the Month as that on which the Commissioners were elected into Office, or on the next lawful Day thereafter in each Year, and on the same Day of the Month, or the next lawful Day annually, the Places of the Commissioners going out of Office shall be supplied by an equal Number of new Commissioners to be chosen from among the Householders of the Burgh in the Manner aforesaid, under all the Rules, Regulations, and Provisions applicable to such First Election, and the like Notice of such annual Election shall be given as is hereinbefore directed to be given of such First Election of Commissioners.

First and Second annual Elections.

LI. The Third of the Commissioners who shall go out of Office at the Expiration of the First Year after the First Election under this Act shall consist of the Commissioners who at said First Election had the smallest Number of Votes, and where the Burgh is divided into Wards, of the Commissioners who at said First Election in each Ward had the smallest Number of Votes; and the Commissioners who shall go out of Office at the Expiration of the Second Year after said First Election shall consist of the Commissioners who had the next smallest Number of Votes at the said First Election, or where the Burgh is divided into Wards, of the Commissioners in each Ward who at said First Election had the next smallest Number of Votes in each Ward; and thereafter the Third of the Commissioners who shall annually go out of Office shall consist of the Commissioners who have been longest in Office: Provided always, that in any Case where there shall have been an Equality of Votes the other Commissioners remaining in Office shall decide, at a Meeting convened for the Purpose, which Commissioner having an Equality of Votes shall go out of Office; provided also, that the Senior Magistrate of Police

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Police shall always remain in Office for Three Years, and for that Purpose he shall be held to have had the largest Number of Votes at the said First Election, and to have been the shortest Period in Office at all Elections subsequent to the Third Election under this Act.

Commissioners failing to accept.

LII. If any Person elected as a Commissioner shall fail to attend the Meeting hereby appointed to be held on the First Monday after the First and each annual Election of Commissioners he shall be held to have declined the Office of Commissioner, unless he transmit to the Meeting a sufficient written Explanation, signed by himself or his Agent, of the Cause of his Absence, and intimating his Acceptance.

Outgoing Commissioners may be re-elected.

LIII. Any Magistrate of Police or Commissioner may resign his Office at any Time, on giving Three Weeks Notice of such his Intention in Writing to the Clerk, and any out-going Commissioner may be re-elected: Provided always, that no Person shall be eligible as a Commissioner, or entitled to vote at such Election, who shall have been relieved from the Assessment made on him for the Purposes of this Act for the Year immediately preceding on the Ground of Inability to pay the said Assessment or by whom any Arrear of any Assessment under this Act shall at the Time of the Election be owing, and shall have been demanded, whether such Arrear shall be due by himself or by any Company or Copartnership by which he is authorized to vote; and a Certificate under the Hand of the Collector shall be deemed and taken to be sufficient Evidence of such Arrears or Relief.

Vacancies in the Magistrates of Police, how to be supplied.

LIV. When any Magistrate of Police elected under this Act shall be in the Third of the Commissioners going out of Office, the Place of such Magistrate of Police shall be supplied by Election by the Commissioners as soon as the full Number thereof shall have been completed by the annual Election of the Third hereby directed to take place; and such Election shall be made by Plurality of Voices, and the Senior Magistrate of Police, or in his Absence the Preses of the Meeting, to be chosen by the Meeting, shall have a double or casting Vote, in case of Equality: Provided always, that Magistrates of Police shall at all Times be capable of being re-elected.

Interim Vacancies how to be supplied.

LV. In case the Place of any of the Commissioners or Magistrates of Police elected as aforesaid shall become vacant by Death, Refusal to accept, Disqualification, or Resignation, then and in such Cases it shall be lawful for the remaining Commissioners to nominate Persons duly qualified to supply such Vacancies; and each Person so nominated shall have and enjoy the same Powers and Privileges as the Person in whose Stead he is nominated, and shall remain in Office until

until the next Period of Election, when he shall go out of Office, and the Vacancy shall be supplied by the Householders of the Burgh, or, if the Burgh be divided into Wards, the Householders of the Ward in which the Vacancy shall have occurred; and in the event of a Resignation being intimated, so as to take effect at the Period of the annual Election of Commissioners, the Vacancy so caused shall be supplied by the Householders, or if the Burgh is divided into Wards, by the Householders of the Ward in which the Vacancy shall have occurred, by Election at the said Period of Election.

If Electors refuse to elect, Commissioners previously in Office may.

LVI. If the Householders shall at any Time refuse or neglect to elect the whole or any Part of the Number of Commissioners, it shall be lawful for the Commissioners who held Office at the Time when such Election should have taken place to supply the Deficiency, by such and the like Proceedings as are provided for in the Case of interim Vacancies.

Commissioners not to hold Places of Profit under this Act.

LVII. No Commissioner shall directly or indirectly derive any Emolument or Profit from any Business or Work of any Description performed or to be performed by him under this Act; nor shall any Commissioner be capable (while he holds Office as such Commissioner) of enjoying any Office of Profit to be created or established by virtue of this Act, or while he has any Share or Interest in any Contract relating to the Execution thereof, nor be capable of standing as a Candidate for any such Office, or be a Competitor for any such Contract, save and except Contracts entered into with any Chartered or Joint Stock Company of which such Commissioner may be a Partner.

PART I.

SECTION VI.—*Meetings of Commissioners.*

Commissioners to be summoned to attend Meetings.

LVIII. All the Commissioners shall be cited to attend all Meetings, both special and statutory, (save only the first Meetings under this Act,) such Citation being given personally, or at their Dwelling Houses or Places of Business, by written or printed Summonses issued by their Clerk at least Twenty-four Hours before the Time of Meeting; and the Chief or Senior Magistrate present, or in Absence of any Magistrate such One of the Commissioners as shall be chosen by the Meeting, shall preside; and the Preses of all Meetings of the Commissioners shall have both a deliberative and in case of Equality a casting Vote in all Matters which shall come before them: Provided always, that One Third of the Commissioners must be present at all Meetings to constitute a Quorum.

Quorum.

LIX. Meetings

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Statutory Meetings of Commissioners.

LIX. Meetings of the Commissioners shall be held in such Places as they shall appoint within the Burgh upon the Second *Monday* of the Months of *January*, *April*, *July*, and *October* in each Year, at Twelve of the Clock Noon, or at such other Hour as the Commissioners may fix.

Special Meetings may be called, on Requisition.

LX. The Clerk to the Commissioners, on Requisition being made to him, stating in Writing the Object of the intended Meeting, and signed by Two of the Commissioners, shall cause Special Meetings to be called within Forty-eight Hours, and to be held within Four Days after such Requisition, and shall cause the whole Commissioners to be summoned to attend such Meetings, by printed or written Summonses containing a Copy of such Requisition or stating the Purpose thereof.

Special Meetings not to annul Rules made at Statutory Meetings.

LXI. No Rules or Regulations shall be adopted or carried into execution by any Special Meeting which shall tend to alter or annul any Rules or Regulations which may have been made and framed at any of the Four Meetings hereby appointed to be held annually.

Meetings may be adjourned.

LXII. The Commissioners may adjourn to any other Day, Hour, and Place within the Burgh.

Power to appoint Committees.

LXIII. The Commissioners shall have Power to form Committees of their Number, either with Directions to report to the Commissioners, or for carrying the various Purposes of this Act into execution, and to delegate to such Committees the Powers competent to the Commissioners under this Act, in whole or in part, with regard to the Subject which may be remitted, to name the Convener, and to fix the Numbers of such Committees who shall form a Quorum; and the Convener who shall preside at such Committees shall be entitled to a deliberative, and in case of Equality a casting Vote, and to convene the Members by Notices in the Way he shall think most convenient.

PART I.

SECTION VII.—*Powers and Duties of Commissioners.*

Powers and Duties of Commissioners.

LXIV. The Commissioners shall, in such Manner as to them shall seem best for the Police Purposes of this Act, estimate, assess, levy, and apply the Sums of Money hereby authorized to be raised for the Police Purposes of this Act, and shall have Power to appoint, at such Salaries as they shall judge meet, Clerks, Treasurers, Collectors, Surveyors, Inspectors, and all other Persons whose Appointment is not herein otherwise provided for, to be employed in the Execution of this Act, and to remove and suspend such Clerks, Treasurers,

Treasurers, Collectors, Surveyors, and other Persons, at pleasure, and to fix the Number and Description of Officers to be employed in the Execution of this Act, and the Wages to be paid to them respectively, whether appointed by themselves or not, and to increase or diminish their Numbers from Time to Time as they shall see Cause, and to make Orders and Regulations for their Government; and the Commissioners shall have Power also to purchase such Lands and Premises as shall be required for the Purposes of this Act, and shall also have full Power and Authority to make all necessary Rules, Orders, Regulations, and Byelaws, except as otherwise herein provided, relative to the watching, lighting with Gas or otherwise, paving, cleansing the Streets, whether public or private, cleansing and lighting of common Stairs or Passages or private Courts, or to the Supply and Distribution of Water and Gas to the same, in so far as the Powers of this Act may apply to these Objects in the Burgh, and for carrying fully into effect all the Objects and Purposes and Provisions of this Act, and shall enact Penalties for enforcing the same, which Penalties shall not exceed in any Case the Sum of Forty Shillings, except as otherwise herein provided, and to execute the whole other Matters specified in this Act and committed to their Charge: Provided always, that the Rules and Regulations so to be made shall not be contrary to the Law of *Scotland*, or to anything in this Act contained.

Commissioners may contract for Execution of Works.

LXV. The Commissioners, or any Committee of their Body thereunto specially empowered, may contract with any Person for carrying into execution any of the Operations hereby authorized; and such Contract shall be signed by the Preses and Clerk in name of the Meeting at which such Agreement or Contract shall be made.

Property vested in Commissioners.

LXVI. The Monies arising from the Assessments hereby authorized to be levied, and all other Property acquired by the Commissioners in pursuance of the Powers hereby granted, shall be and the same are hereby vested in the Commissioners and their Successors, for the Uses and Purposes mentioned in this Act, and for no other Purpose whatever.

Clerk to be appointed.

LXVII. The Commissioners shall appoint a Clerk for keeping the Records of the Proceedings of the Commissioners and their Committees, which Records shall contain accurate Minutes of the Proceedings and Orders of the Commissioners and their Committees, and, being signed by the Preses of each respective Meeting, or any Copy or Extract therefrom, authenticated by the Signature of the Clerk, shall be received as Evidence in all Courts whatsoever, in any Case or Matters concerning this Act.

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Clerk not to be concerned as Agent, &c. in any Prosecution under this Act.

LXVIII. No Person who may be appointed the Clerk in the Execution of this Act, or the Partner of any such Clerk, or any Person in the Employ of such Clerk or of his Partner, shall act as Agent or Solicitor in the Trial of any Offence under this Act committed within the Limits of the Burgh, as fixed for the Purposes of this Act; and in the event of a Contravention of such Provisions such Clerk shall be thenceforth disqualified from holding any Office whatever under this Act, and also from acting as a Commissioner under this Act.

Treasurer and Collector to be appointed.

LXIX. The Commissioners shall in like Manner elect and appoint a Treasurer and Collector to act during their Pleasure; and such Collector and Treasurer, before they shall be permitted to take upon them the Execution of their Office, shall respectively grant Bond, with sufficient Sureties, to the Commissioners, for their Intromissions, and for the just and faithful Execution of their Office, to such an Amount as the Commissioners shall think reasonable; and any Collector or Treasurer who may be convicted of wilfully secreting or not accounting to the Commissioners for any Sum of Money received by him as Collector or Treasurer shall forfeit triple the Amount thereof to the Commissioners.

Allowance to Clerk, Treasurer, and Collector.

LXX. The Commissioners may allow reasonable Salaries to the Clerk and Treasurer; and the Collector shall be allowed for his Trouble in collecting Assessments authorized to be levied under this Act a Sum not exceeding the Rate of Five Pounds *per Centum* upon all such Sums of Money as he shall collect and receive.

Collector to lodge all Monies received by him in Bank.

LXXI. Such Collector shall be obliged to lodge all Money received by him in a chartered or other Bank, or in One of the Branches of such Bank in the Burgh, to be fixed by the Commissioners, upon an Account to be opened in the Name of the Commissioners, and to be operated upon by the Treasurer for the Time; and such Treasurer shall make no Drafts on the said Account for any private Purpose on any Pretence whatever, nor for any other Purpose than the Payments which shall from Time to Time be authorized by the Commissioners or their Committees for the Purposes of this Act, as the same shall be certified to the Treasurer by the Clerk to the Commissioners, who shall countersign all such Drafts.

On Insolvency of Treasurers or Collectors, Deficiency may be assessed.

LXXII. In case any Treasurer or Collector shall become insolvent, and the Sums chargeable against him shall not have been paid by his Cautioners or Sureties, then and in every such Case the Sum deficient shall be chargeable against, and form a Burden upon the next annual Assessment.

LXXIII. It shall be lawful for the Commissioners to appoint

Treasurer and Collector may be the same Person, but Clerk and Treasurer not to be the same Person.

point the same Person to be both Treasurer and Collector for the Purposes of this Act; but it shall not be lawful for the Commissioners to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or any Clerk or other Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer or the Partner of such Treasurer, or any Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk to the Commissioners for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or, being the Treasurer or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any Treasurer shall hold any Place of Profit or Trust under the Commissioners other than that of Collector, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Expenses, in the same Manner as any of the Penalties of this Act imposed may be sued for and recovered.

Actions by or against Commissioners, how to be brought, and not to abate.

LXXIV. Except as herein-after specially provided, all Actions, Suits, or Proceedings in respect of any Matter or Thing relating to the Execution of this Act, to be brought by or against the Commissioners, shall be in the Name of their Clerk for the Time being as the Party, Pursuer or Defender, representing the Commissioners; and no Action, Suit, or Proceeding wherein the Commissioners shall be concerned as Pursuers or Defenders in the Name of their Clerk shall cease or abate by the Death, Resignation, or Removal of any such Clerk, or by any Change in the Persons holding Office as Commissioners, but the Clerk to the Commissioners for the Time being shall be deemed to be the Pursuer or Defender, as the Case may be, in every such Action, Suit, or Proceeding.

Books of Accounts to be kept by Commissioners.

LXXV. Accounts of all Property, Heritable and Moveable, vested in the Commissioners, showing the Nature of such Property, and of all Money received and disbursed, shall be kept in Books by the Treasurer or Collector, as the Commissioners

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sioners may appoint; and all such Books of Accounts may at all seasonable Times be inspected and perused, without Fee or Reward, by any Person assessed, and also by any Person entitled to any Money due and owing on the Credit of such Assessment; and such Persons may take Copies of or Extracts from any such Books and Accounts, without Fee or Reward; and any Person in whose Custody or Power any such Books and Accounts are, who shall refuse Inspection thereof, or to permit Copies or Extracts to be taken as aforesaid, shall be liable in a Penalty not exceeding Ten Pounds; and in case any Person who shall be assessed shall be dissatisfied with any Accounts which shall have been made up as aforesaid, or with any of the Items or Articles contained in such Accounts, such Person may complain against the same by Petition to the Sheriff, in which Complaint shall be specified the Grounds of Objection to such Accounts, Items, or Articles; and the Sheriff shall proceed to hear and determine the Matter of such Complaint, and his Decision shall be final.

Account of Receipt and Application of Monies to be made out by Commissioners, and printed.

LXXVI. The Commissioners shall yearly, and previous to their statutory Meeting in the month of *July* in each Year, cause to be made out a just and accurate Account of all the Monies received and expended in the Execution of this Act for the Year ending on the Fifteenth Day of *May* immediately preceding such statutory Meeting, showing from what Sources such Monies have been received, and to what Purposes the same have been laid out and applied; and which Account, so soon as the same shall have been audited, as herein-after provided, shall be laid before such statutory Meeting, and shall be signed by the Preses of said Meeting and the Clerk, and shall be deposited with the Clerk, who shall forthwith cause an Abstract thereof to be printed, and shall permit any Person assessed under this Act to inspect and examine such Accounts at all seasonable Times, without Payment of any Fee or Reward for such Inspection.

Auditor to be appointed by the Commissioners.

LXXVII. The Commissioners shall annually appoint a professional Auditor for the Purpose of auditing the Accounts of the Commissioners; and in case the Office of such Auditor shall, before such Accounts are audited by him, become vacant by Death or from any other Cause, the Commissioners shall from Time to Time appoint an Auditor to supply such Vacancy.

Auditor Report.

LXXVIII. The Commissioners shall deliver to such Auditor, within One Month after the said Fifteenth Day of *May* annually, all the Accounts, together with their Books and Vouchers; and it shall be the Duty of such Auditor to audit such Accounts, and either make a special Report thereon, or simply

simply confirm the same; and such Report or Confirmation shall be read with the Account at such Meeting; and if any Dispute arise as to the Amount of Remuneration to be paid to such Auditor, it shall be settled by the Sheriff, whose Decision shall be final.

PART I.

SECTION VIII.—*Orders in Council.*

Power to apply to Privy Council in certain Cases.

LXXIX. Whenever it appears desirable to the Magistrates and Council or Commissioners of Police of any Royal or Parliamentary Burgh, or to the Commissioners for executing this Act in any Burgh or populous Place, that Provision should be made in order the better to apply and execute therein the Provisions of this Act, in whole or part, or for the future Application and Execution of any Acts in force therein having Relation to the Purposes of this Act, or to the Roads or Streets within such Burgh or populous Place, or to any other Matter or Thing connected with the Management and Administration of the Municipal or Police Affairs of such Burgh or populous Place, or that any such Acts, or any Exemptions from rating therefrom derived, or that any Provisional Order or Order in Council applying this Act, hereby authorized to be made, should be wholly or partially repealed or altered:

Or whenever it appears desirable to the Magistrates and Council of any Royal or Parliamentary Burgh where there is a Board of Commissioners of Police separate from such Magistrates and Council to unite the Municipal and Police Government and Jurisdiction of any such Royal or Parliamentary Burgh in the Magistrates and Council thereof, to transfer to them all the powers and Jurisdictions of Police, Paving, Lighting, Watching, and others, granted to the Commissioners of Police by any Local Acts, and to extend such Jurisdictions over the whole Limits of such Burgh:

Or whenever it appears desirable to the Magistrates and Councils, or the Commissioners of Police of contiguous Burghs, that Provision should be made for executing any great Conduits or Main Sewers, or any other Drainage Works necessary for the more effectually draining of such contiguous Burghs:

(1.) The Magistrates and Council, or the Commissioners of any Burgh, or the Magistrates and Councils, or Commissioners of contiguous Burghs, as the Case may be, may present a Petition to One of Her Majesty's Principal Secretaries of State, praying for such Provision, Repeal, and Alteration as aforesaid, or

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or for any of such Things, and such Petition shall be supported by such Evidence as the said Secretary requires:

(2.) Upon the Receipt of any such Petition, Inquiry may be directed by such Secretary of State in the District in respect to the several Matters mentioned in the Petition, after giving Fourteen Days Notice of the Time, Place, and Subject of the Inquiry; and, if requisite, the Sheriff shall proceed to the District to make the Inquiry:

(3.) The Sheriff shall, for the Purposes of the Inquiry, have Power to call for such Information from the Magistrates and Councils or Commissioners of Police as he may consider necessary, and to do all such Matters and Things as may be expedient for the Purposes of the Inquiry:

(4.) It shall be lawful for any of Her Majesty's Principal Secretaries of State to issue a Provisional Order, under his Hand and Seal of Office, in relation to the several Things mentioned in the said Petition, either in accordance with the Prayer thereof, or with such Modifications or Alterations as may appear to him to be requisite.

Provision where Mortality exceeds certain Proportions.

LXXX. Where it shall appear, from the Returns made up by the Registrar General of Births, Deaths, and Marriages, from the Deaths registered in a Period of not less than Five Years, that the Number of Deaths annually in any Burgh or populous Place, as defined in this Act, has on an average exceeded the Proportion of Twenty to a Thousand in a Population of One thousand, Twenty-three to a Thousand in a Population of Five thousand, Twenty-five to a Thousand in a Population of Twenty thousand, or Twenty-nine to a Thousand in a Population of Three hundred thousand and upwards, of the Population of such Burgh or populous Place, the Lords of Her Majesty's Most Honourable Privy Council, or any Three or more of them, (the Lord President of the Council, or One of Her Majesty's Principal Secretaries of State, being One,) may, if and when they shall think fit, direct the Sheriff to visit such Burgh or populous Place, and to make public Inquiry, and to examine Witnesses as to the Sewage, Drainage, and Supply of Water, the State of the Burial Grounds, the Number and sanitary Condition of the Inhabitants, and as to any Acts of Parliament in force within such Burgh or populous Place for paving, lighting, cleansing, watching, regulating, supplying with Water, or improving the same, also as to the natural Drainage Areas, and the existing Municipal, Parochial,

Parochial, or other Local Boundaries, and the Boundaries which may be most advantageously adopted for the Purposes of this Act, and as to any other Matters in respect whereof the said Lords of Her Majesty's Privy Council may desire to be informed, for the Purpose of enabling them to judge of the Propriety of reporting to Her Majesty or making an Order in Council as herein-after mentioned.

Procedure thereanent.

LXXXI. Before proceeding upon such Inquiry, the said Sheriff shall give Fourteen Days Notice of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him, upon the Subject of such Inquiry, by Advertisement in some One or more of the Newspapers usually circulated in the Parts to which the Inquiry shall relate, and in such other Manner as may appear to the said Sheriff to be necessary; and if upon such Report it appear to the said Lords of Her Majesty's Privy Council to be expedient that this Act or any Part thereof should be applied to the Burgh or populous Place, they shall report to Her Majesty accordingly; and at any Time after Presentation of such Report it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, to make an Order in Council, under their Hands and Seal of Office, that this Act or any Part thereof shall be applied to and put in full Force and Operation within such Burgh or populous Place; and if such Order relates to any populous Place, they shall in the said Order mark out, define, and specify the Boundaries of such populous Place, for the Purposes of this Act, and declare that such Place is a populous Place, in Terms of this Act, and otherwise make such Provisions, Regulations, Conditions, and Restrictions with respect to the Application and Execution of this Act or any Part thereof, and with respect to any Local Acts within Burghs possessing such, and the Repeal, Alteration, or future Execution of the same, as they may think necessary, under all the Circumstances of the Case, and such Order shall be recorded in the Sheriff Court Books of the County, and also published in such Manner as the said Lords of Her Majesty's Privy Council may direct.

Orders in Council to be confirmed by Parliament.

LXXXII. No such Order in Council or Provisional Order hereby authorized to be made shall be of any Validity unless the same has been confirmed by Act of Parliament; and it shall be lawful for the said Lords of Her Majesty's Privy Council, or for any One of Her Majesty's Principal Secretaries of State, as soon as conveniently may be, to obtain such Confirmation, and the Acts confirming such Order in Council or Provisional Order shall be deemed to be Public Acts of Parliament.

LXXXIII. All

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Costs how to be borne.

LXXXIII. All Costs, Charges, and Expenses incurred by the said Lords of Her Majesty's Privy Council or Secretary of State in relation to such Orders in Council or Provisional Orders shall, to such Extent as the Commissioners of Her Majesty's Treasury think proper to direct, become a Charge upon the Police Assessment, and be repaid to the said Commissioners of Her Majesty's Treasury, together with Interest after the yearly Rate of Five Pounds in the One hundred Pounds, to be computed from the Date of the Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

PART II.

ASSESSMENTS.

PART II. *Assessments.* Sect. 1.

SECTION I.—*Assessments for Police Purposes.*

Commissioners to make Police Assessment.

LXXXIV. Once in each Year the Commissioners (being summoned in manner herein-before directed by written or printed Summonses, which shall state that the Meeting is for the Purpose of laying on an Assessment,) shall assess all Occupiers of Lands or Premises within the Burgh, according to the Valuation Roll made up and completed in Terms of the Acts in force for the Valuation of Lands and Heritages in *Scotland*, subject to the Exceptions herein-after provided, in the Sums necessary to be levied for the Police Purposes of this Act, in so far as the same may have been adopted, and for the Purposes to which the Police Assessment authorized by any Act in force in such Burgh at the Time of such Adoption might have been applied, and shall fix a Day on which the same shall be payable, and the Rate of Assessment and Day so fixed by the Commissioners shall be published by Handbills posted in the Burgh, and by Advertisement in any Newspaper circulating therein (if any be), or otherwise in some Newspaper circulating in the County in which the Burgh is situated: Provided always, that such Assessment shall be imposed as from the Fifteenth Day of *May* in any One Year to the Fifteenth Day of *May* in the following Year, and shall not in any Year exceed a Rate equal to Two Shillings and Sixpence in the Pound of the gross yearly Value of such Lands or Premises where the Enactments of this Act with respect to Water have been adopted, or a Rate equal to One Shilling and Sixpence in the Pound of the gross yearly Value of such Lands or Premises where such Enactments with respect to Water have not been adopted; and such Assessment shall for the Purposes of this Act be called the Police Assessment:

Assessment: Provided further, when in any Burgh, under the Provisions of any Police Act, a higher Rate of Assessment is now and has been in use to be levied upon Lands and Tenements above a certain fixed Rent than upon lower rented Lands and Tenements, it shall be in the Power of the Commissioners, in laying on the Assessment under this Act, to continue the same relative Rates of Assessment, if they think proper.

Payment of Damages occasioned by Mobs.

LXXXV. Out of the Police Assessment authorized by this or by any General or Local Act in force within the Burgh it shall be lawful to the Commissioners to defray to such Extent as they think proper, such Claims for Damages sustained in consequence of any Riot or Tumult within the Burgh as may be established to their Satisfaction, or, if the Commissioners think proper, they may at any Time impose and levy a special Assessment on all Occupiers of Lands or Premises within the Burgh, according to the said Valuation Roll, for the Sums estimated by them to be necessary for the Purpose of paying such Damages; and such special Assessment being so imposed and levied, the Commissioners shall out of the Proceeds thereof discharge such Claims, the same being established to their Satisfaction.

Provision for Assessment for Period less than One Year.

LXXXVI. Where in any Burgh an Assessment for Police Purposes has been imposed previous to the Adoption of this Act, and is leviable for a Period ending on a Day prior to the Fifteenth Day of *May* immediately following such Adoption, it shall be lawful to the Commissioners under this Act to impose and levy a Proportion of the Police Assessment hereby authorized, corresponding to the Time intervening between the Date when such Period ended, and the said Fifteenth Day of *May*.

Commissioners to levy Assessments from Owners of Premises under 4*l*.

LXXXVII. The Commissioners shall assess the Owners in place of the Occupiers of all Lands or Premises let at a Rent under Four Pounds, and levy such Assessment from such Owners; but the Commissioners shall allow to such Owners a Deduction from such Assessment equal to One Fourth of the Amount thereof; and such Assessments shall be recoverable from such Owners, along with any Penalty which may have become exigible thereon, in the same way as is herein provided with respect to the Recovery thereof from Occupiers.

Commissioners may grant Relief from Police Assessment in case of Poverty.

LXXXVIII. The Commissioners may, on the Ground of the Poverty or Inability to pay of any Person liable in the Police Assessment under this Act, remit, in whole or in part, Payment of the said Assessment by such Person, in such Manner as the Commissioners shall in their Discretion think just and reasonable, but upon no other Account whatsoever.

LXXXIX. The

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Occupiers to Pay Police Assessment.

LXXXIX. The Assessments herein-before authorized to be imposed shall be levied from the Occupiers of Lands or Premises, but Deduction shall be allowed by the Commissioners of the Assessment for any Period during which any Lands or Premises shall not be let or occupied for Three Months consecutively in any One Year, and Owners who shall let for Rent or Hire Lands or Premises for less than a Year shall themselves, as well as the Occupiers, be responsible for the said Assessment applicable to any Period less than a Year, and the same may be recovered from such Owners or from such Occupiers as the Commissioners shall judge expedient.

Arable Land, &c. how to be valued.

XC. The annual Value of the following Lands or Premises shall for the Assessments under this Act, whether the Enactments with respect to Water have been adopted or not, be held to be the nearest aggregate Sum of Pounds Sterling to One Fourth of the annual Value thereof entered in the said Valuation Roll; viz.

1. All Lands and Premises used exclusively as a Canal or Basin of a Canal, or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, excepting the Stations, Depots, and Buildings, which shall be assessable to the same Extent as other Lands and Premises within the Burgh:
2. All the underground Gas and Water Pipes, or underground Works of any Gas or Water Company:
3. All Woodland, Arable, Meadow, or Pasture Ground, or other Ground used for Agricultural Purposes:

And where the Enactments with regard to Water have been adopted, the annual Value of all Mines, Minerals, Quarries, and Manufactories within the Burgh shall as regards the Police Assessment, as far as it is applicable to Water, be held to be the nearest aggregate Sum of Pounds Sterling to One Fourth of the annual Value thereof entered in the Valuation Roll; without Prejudice, however, to the Commissioners entering into Agreements for the Supply of Water to such Lands and Premises in manner herein-after provided; and in the event of any Dispute arising as to the Lands and Premises falling under the above Exceptions, it shall be lawful to the Owner or Occupier of such Lands and Premises to present a Petition to the Sheriff, praying to have the same declared, for the Time being, liable to Assessment upon the said Proportion of their Value only; and the Sheriff shall thereupon order the Petition to be served on the Commissioners, upon a short Inducie, and after hearing Parties, and taking such Evidence

as

as he shall think necessary, shall pronounce such Judgment as to him shall seem just and right.

Police Assessment Roll to be made up.

XCI. The Commissioners shall annually cause to be made up a Roll or Book of Assessment from the Valuation Roll aforesaid, showing the yearly Rent or Value of the Lands or Premises in the Burgh liable to be assessed under this Act for the Assessments herein authorized to be levied, and according to which such Assessments under this Act are intended to be levied; and in such Roll or Book of Assessment there shall in no Case be entered any fractional Part of a Pound of the assessable yearly Rent or Value aforesaid; and when such fractional Part shall not amount to Ten Shillings, the Sum shall not be entered at all in such yearly Rent or Value; and when such fractional Part shall amount to or exceed Ten Shillings, the sum shall be entered as One Pound of such yearly Rent or Value, in addition to the actual Number of Pounds of such Rent or Value, and shall be assessed accordingly; and such Roll or Book of Assessment shall be open to Inspection by all Ratepayers, in the Hands of the Collector or other Officer appointed by the Commissioners for that Purpose, during the whole Period which shall intervene between the Date of laying on the annual Assessment and the Day appointed for Payment thereof; and the Commissioners shall have Power to rectify any Error which may be found in such Roll or Book.

Recovery of Rates.

XCII. If any Person assessed under this Act shall refuse or neglect to pay any Assessment herein-before authorized to be levied, or any Portion thereof, on or before the Expiry of Three Months after such Assessment is declared payable, the Collector may make an Attestation in Writing setting forth that the said Person has failed to pay such Assessment, or any Portion thereof, notwithstanding the same has been demanded from him by the said Collector by a printed Notice delivered to or left for him on the Premises in respect of which such Assessment is made, and such Attestation being made it shall be lawful for the Collector to make Application to the Sheriff, or to any one of the Magistrates of Police, or other Magistrates of the Burgh, who, upon such Application, and Production therewith of such Attestation, shall grant summary Warrant for Recovery of the said Assessment, or the Portion thereof remaining unpaid, and One Penny upon each Pound of the Rental of the Lands or Premises in respect of which such Person is assessed in addition, in Name of Penalty, which Attestation, Application, and Warrant shall be in the Form, as near as may be, contained in Schedule (D.) hereunto annexed: Provided always, that nothing herein contained

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tained shall prejudice the Right of the Collector, at any Time after the said Assessment shall be payable, to prosecute, as he is hereby empowered to prosecute for, and recover all or any Part of such Assessment in arrear, before the Sheriff's Small Debt Court, or by any other legal Form of Proceeding; and the Collector shall be bound to preserve the Warrants of all Seizures or Sales made under and in virtue hereof, and shall enter in a Book to be kept for that Purpose the Names of the Parties proceeded against, the Assessment due, the Expense of the Proceedings, and the true Proceeds of each Sale, which Book shall be open to the Inspection (without any Fee) of all Parties interested, for Three Months after the Date of each Sale respectively; and at any Time within that Period it shall be competent to any Party considering himself aggrieved to complain to such Sheriff or Magistrate of anything done unjustly or oppressively in regard to such Seizure or Sale, such Complaints being made in the Form of Petitions subscribed by the Complainer, and the Decision of such Sheriff or Magistrate shall be final.

Misnomers, &c. not to affect Proceedings for Recovery of Assessments.

XCIII. No Misnomer, Mistake, or Informality committed in any Proceedings for Recovery of such Assessments, or any other Assessment, Rate, Charge, or Expenses under this Act, shall prejudice the Recovery thereof, nor shall such Proceedings fall, lapse, cease, or abate by the Death, Resignation, or Removal of the Collector instituting the same, or by any Change in the Persons holding Office as Commissioners, but it shall be lawful for the Collector for the Time to prosecute and follow forth Procedure commenced and carried on in the Name of any previous Collector in all respects as if such Procedure had been taken by himself: Provided always, that it shall not be competent for any Person to sue, nor for any Court of Law to entertain, any Action or Proceeding against the Commissioners, or the Collector or Officers or other Persons employed in executing any Warrant in Reference to any Assessment, Rate, Charge, or Expense under this Act, by reason of any Misnomer, Mistake, or Informality, if the Goods or other Effects seized or sold under such Warrant were *bonâ fide* the Property or in the lawful Possession of the Person actually liable in Payment thereof under the Provisions of this Act.

Assessments to be recoverable beyond Burgh.

XCIV. In case any Person liable in Payment of the Assessments herein-before authorized to be levied, shall remove to any Place beyond the Burgh, it shall nevertheless be lawful for the Commissioners, and their Collectors and Treasurers or other Officers, to put the Decrees and Warrants which may be granted for the Recovery of such Assessments in manner before

before mentioned into execution within or beyond the Burgh, in the same manner as if such Person had continued to reside within the Burgh, such Decrees or Warrants being first endorsed by a Magistrate or Sheriff or Justice of the Peace for the Burgh or County within which they are to be put into execution.

Common Good may contribute towards the Purposes of this Act.

XCV. When the Provisions of this Act, or any Part thereof, shall have been adopted in any Burgh possessed of any free Income arising from the Common Good of such Burgh, after Deduction of the Interest of any Debt which such Burgh may owe, and also the necessary annual Outgoings of such Burgh, there may be annually contributed therefrom such a reasonable Proportion towards the Police Purposes of this Act as the Town Council of such Burgh, having due Regard to the Extinction of the Capital of such Debt, shall think just: Provided that nothing herein contained shall prejudice the Rights of the Creditors of any Burgh secured by Local Acts of Parliament or otherwise; and further, that the Adoption of this Act, in whole or in part, shall not relieve the Common Good of any Burgh from Payment of any Sum which such Burgh is bound by any Local Act to contribute towards the Police Expenses of the Burgh.

PART II.

SECTION II.—*Assessments for Sewers, Foot Pavements, and General and Private Improvements.*

(1.) *Sewers.*

Where new Sewers are made, Commissioners may impose a Special Sewer Rate.

XCVI. Whenever the Commissioners shall resolve to make any new Sewer, they may charge the Owners of all the Lands or Premises liable to contribute to the Rates for making the same with Special Sewer Rates, over and above any other Assessment or Rates to which such Persons may be liable under this Act, and such Rate shall, for the Purposes of this Act, be called the "Special Sewer Rate."

Commissioners may impose a General Sewer Rate distinct from other Rates.

XCVII. The Commissioners shall, if necessary, impose a Sewer Rate, to be called for the Purposes of this Act the "General Sewer Rate," distinct from any other Rate which they are authorized to make under this Act, to be applied in maintaining and clearing the Sewers, and all other Expenses connected with such Sewers not herein otherwise provided for, or which may not be fully defrayed by the Special Sewer Rate, and for securing and paying off any Monies which may be borrowed on the Security of the Special Sewer Rate under the

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the Provisions of this Act, and the Interest of such Monies which the Special Sewer Rates shall be insufficient to defray.

Commissioners may assess.

XCVIII. The Commissioners may from Time to Time make Assessments in respect of the said Special Sewer Rate and General Sewer Rate hereby authorized to be levied on the Owners of all Lands or Premises within the Burgh, or within separate and distinct Districts, and that in reference to the Valuation of such Lands or Premises as fixed by the Valuation Roll; and in every Case in which the Commissioners shall see fit to make the said Assessments or either of them on separate and distinct Districts, they shall cause every such District to be described and defined as herein-after provided.

Rates to be levied on separate and distinct Districts.

XCIX. The Commissioners may, in making the said Assessments for separate and distinct Districts, appoint, if they see fit, Surveyors, Collectors, and other Officers for every such District, and they shall cause separate and distinct Accounts to be kept of all Monies collected and received under any Rate in each distinct District, and of all Payments and Disbursements in respect thereof, and they shall apply the Monies to be collected and received from each distinct District under any such Rate as aforesaid for the several Purposes to which the same may be lawfully applied under the Authority of this Act, but so nevertheless that each District shall, as near as may be, bear its own Expenses; and in case any such Expenses shall apply to or be incurred in respect of Two or more Districts, the same shall be apportioned and divided between such Districts in such Manner as the Commissioners shall consider fair and equitable.

Where Premises were sufficiently drained before making new Sewer, Owner to have a Reduction made in his Rates.

C. Where in the Judgment of the Commissioners any Premises were sufficiently drained before the making of such new Sewer, the Owners thereof shall be entitled to have such Deduction made from the Special Sewer Rates to which they would otherwise be liable in respect of the making of such new Sewer, having regard to the Cost of making such new Sewer, and to the Value and Efficiency of such old Sewer; and whenever any old Sewer is enlarged, or open Sewer closed, the Expense of such Enlargement, or of closing such open Sewer, shall be defrayed in like Manner as if it had been incurred in making a new Sewer.

(2.) *Foot Pavements.*

Assessment for Maintenance and Repair of Foot Pavements.

CI. Whenever the Commissioners shall resolve, in manner after provided for, to undertake the Maintenance and Repair of the Foot Pavements in any Burgh, by means of a General Assessment, it shall be lawful for them to charge all Owners of Lands or Premises within such Burgh, with reference

ence to the said Valuation Roll, with a Special Paving Assessment equal to but not exceeding Twopence in the Pound of the gross yearly Value of such Lands or Premises, over and above any other Assessment or Rates to which such Persons may be liable under this Act, and which Special Assessment shall, for the Purposes of this Act, be called "The Foot Pavement Rate," and shall be leviable either from the Owner or Occupier of such Lands or Premises, but the latter shall be entitled on Payment thereof to deduct the same from his Rent; and such Assessment, so far as the Occupier is concerned, shall be recoverable in such and the like Manner as the Police Assessment is authorized to be recovered.

(3.) *General Improvements.*

General Improvement Assessment.

CII. Whenever the Commissioners in any Burgh shall resolve, in manner after provided for, to make Provision for the General Improvement of the Burgh, it shall be lawful for them to charge, in equal Proportions, all Owners and Occupiers of Lands or Premises within such Burgh, with reference to the said Valuation Roll, with a Special Assessment equal to but not exceeding One Penny in the Pound of the gross yearly Value of such Lands or Premises, over and above any other Assessment or Rate to which such Persons may be liable under this Act, and which Special Assessment shall, for the Purposes of this Act, be called the "General Improvement Rate," and shall be leviable either from the Owner or Occupier of such Lands or Premises in equal Proportions, or in whole from the Occupiers thereof, but in the latter Case the Occupier shall be entitled on Payment thereof to deduct from his Rent the Proportion payable by the Owner; and such Assessment, so far as the Occupier is concerned, shall be recoverable in such and the like Manner as the Police Assessment is authorized to be recovered.

(4.) *Private Improvements.*

Assessment for private Improvements.

CIII. Where by the Provisions of this Act the Owner or Occupier, as the Case may be, of any Premises is directed or fails to do any Work, Matter, or Thing in relation to the same, and the Work, through the Failure or Delay of the Owner or Occupier to execute it, shall be done by the Commissioners, or where Expenses are incurred by the Commissioners for or in respect of any Premises, in order to carry out the Provisions of this Act, the Commissioners shall charge the Owner or Occupier of the Premises with the said Expenses or Special Rates therefor, over and above any other Assessments or Rates to which such Owner or Occupier may be

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be liable under this Act, and such Expenses or Special Rates shall, for the Purposes of this Act, be called the "Private Improvement Assessment."

Rates and Assessment to be Burdens on the Premises.

CIV. Such Special Sewer Rate, General Sewer Rate, and Private Improvement Assessment shall, with the legal Interest thereof from the Time when the same shall be declared payable, together with all Expenses incurred in the Recovery thereof, continue Burdens on the Lands or Premises liable for the same, or in respect of which the same shall be payable, but that only for Three Years from the Date when the same shall be respectively payable, as against *bonâ fide* Singular Successors or Heritable Creditors: Provided always, that nothing herein contained shall affect the Rights and Remedies of Superiors for the Recovery of their Feu Duties and Casualties.

Collector of Rates to grant Certificate.

CV. The Collector in any Burgh shall, when required by any Person, be bound to furnish to such Person a Certificate under his Hand in the Form of Schedule (E.) hereunto annexed, showing, with reference to any Premises, what Arrears of such Rates or Assessments, if any, are past due, and the Name of the Owner and Occupier of such Premises as appearing in his Books, and also whether any and what Instalments of such Rates or Assessments are still chargeable in respect of such Premises: Provided always, that for each Certificate in respect of Premises separately entered or charged in the Assessment Books he shall be entitled to a Fee of Two Shillings and Sixpence from the Person requiring the same; for which Fee, or for such Portion thereof as the Commissioners may direct, the Collector shall be bound to account to the Commissioners, if required by them.

Rates and Assessment how to be imposed, and how Appeals to be entered and disposed of.

CVI. The said Rates or Assessments may be imposed and levied yearly, half-yearly, or at such other Periods as the Commissioners may think fit, and shall be payable at such Times as they appoint; and at the Meeting imposing the same the Commissioners shall appoint a Day on which such Rates or Assessments shall be payable, and another Day on which Appeals by any Parties complaining that they have been improperly rated or assessed may be lodged with the Clerk or Collector, and another Day or Days on which Appeals in reference to such Rates or Assessments shall be heard by the Commissioners; and Notice to each Party intended to be so rated or assessed, stating the Particulars of the intended Rate or Assessment as regards such Party, and specifying the several Days fixed by the Commissioners as aforesaid, shall be sent by the Clerk or Collector through the Post Office at least Two Weeks preceding the Day which may be fixed for hearing

hearing the Appeal of such Party, and the Decision of the Commissioners upon all such Appeals shall be final; but the Commissioners may rectify such Rate or Assessment so appealed against.

Recovery of the said Rates and Assessment.

CVII. As soon as may be after disposing of the Appeals against any such Rate or Assessment, the Commissioners shall cause to be made up a Roll or Book of Assessment or separate Rolls or Books of Assessments applicable thereto, and the same, or a Copy thereof, docqueted and signed by the Clerk and any Two of the Commissioners, shall forthwith be delivered over to the Collector as the Rule for levying and collecting the said Rates or Assessments; and if the said Rates or Assessments shall not be paid when the same fall due, the Collector shall take legal Proceedings for Recovery of the same, together with the legal Interest thereof from the Day fixed for Payment thereof as aforesaid, in the same Way and Manner as is herein-before provided for Recovery of the Police Assessment under this Act, or the said Rates or Assessments, or any Part thereof, and Interest, with the Expenses attending the Recovery of the same, may be recovered in the same Way and Manner as Debts are recoverable by the Law of *Scotland*.

Application of Surplus Assessment.

CVIII. If any Surplus of any Rate or Assessment under this Act shall remain at the End of any Year after the whole Expenses for which such Rate or Assessment was imposed and levied shall have been paid or provided for, every such Surplus respectively shall, except as herein-after provided for, be applied towards the same Purpose in the Year following; and if any such Rate or Assessment for any Year shall not be sufficient for the Purpose for which it was imposed and levied, the Commissioners shall and they are hereby authorized and required to make Provision for the Payment of such Deficiency by Assessment or Rate for the Purpose in the following Year or Years, until the same shall be fully paid.

PART III.

APPOINTMENT OF OFFICERS.

SECTION I.—*Appointment of Surveyor, Inspector, and Officer of Health.*

Commissioners may appoint a Surveyor.

CIX. The Commissioners may from Time to Time, and as often as they shall think proper, appoint a Person duly qualified to act as a local Surveyor of the Paving and Drainage and other Works authorized under the Provisions of this Act, and may fix the Salary to be paid to such Surveyor, and pay such Salary

PART III. *Appointment of Officers.* Sect. 1.

Salary out of the several Assessments or Rates levied under this Act, and that in such Proportions therefrom as the Commissioners shall see proper.

Commissioners may appoint an Inspector of Cleansing.

CX. The Commissioners may appoint some Person, by the Title of "Inspector of Cleansing," to superintend and enforce the due Execution of all Duties to be performed by the Scavengers appointed under this Act, and to report to the Commissioners any Breach of the Provisions of this Act, or of the Byelaws, Rules, and Regulations of the Commissioners, and the Commissioners shall duly publish the Name of any Inspector of Cleansing appointed by them, and shall require him to provide and keep a Book in which shall be entered all reasonable Complaints made by any Inhabitant of the Burgh of any Breach of the Provisions of this Act, or of the Byelaws, Rules, and Regulations made by the Commissioners; and the Inspector of Cleansing shall forthwith inquire into the Truth of such Complaints, and report upon the same to the Commissioners at their next Meeting; and such Report, and the Order of the Commissioners thereon, shall be entered in the said Book, which shall be kept at the Office of the Commissioners, and shall be open at all reasonable Times to the Inspection of any Householder of the Burgh or other Person interested.

Commissioners may appoint Officer of Health.

CXI. The Commissioners may, if they think fit, appoint a Person of competent Skill and Experience, who shall be styled the "Officer of Health," and whose Duty it shall be to ascertain the Existence of Disease within the Limits appointed to him, especially of epidemic, endemic, and contagious Diseases, and to point out any local Causes likely to occasion or continue such Diseases or otherwise injure the Health of the Inhabitants, and to point out the best Means of checking or preventing the Spread of such Diseases, and from Time to Time, as required by the Commissioners, to report to them upon the Matters aforesaid, and to perform any other Duties of a like Nature which may be required of him; and the Commissioners shall fix the Salary to be paid to such Officer, and shall pay such Salary out of the Police Assessment hereby authorized to be levied; and the Commissioners may, with the Approval of One of Her Majesty's Principal Secretaries of State, remove any such Officer of Health, or, with the like Approval, discontinue any such Officer.

Same Person may be Surveyor and Inspector.

CXII. The Commissioners may, if they think fit, appoint the same Person to be both Surveyor of Paving and Drainage and Inspector of Cleansing.

Commissioners may provide Offices.

CXIII. The Commissioners may provide Offices for the Use of the Surveyor, Inspector, and Officer of Health in some convenient

venient Place within the Burgh, either in connexion with their own Office or otherwise, as may be most convenient, and shall cause due Notice thereof to be given Twice at least in some Newspaper circulating within the Burgh.

PART III.

SECTION II.—*Appointment, Powers, Duties, and Privileges of Constables.*

Appointment of Superintendent of Police and of Constables.

CXIV. The Commissioners of Burghs authorized by this Act to maintain Constables shall from Time to Time appoint, at a fixed annual Salary, a Superintendent of Police, who shall not be removable or subject to have his Salary diminished by the Commissioners, unless with the Approbation of the Chief Magistrate of the Burgh, or of the Senior Magistrate of Police, and the Sheriff, or, in case of their differing in Opinion, of Her Majesty's Advocate for the Time being; and as often as such Commissioners shall fix the Number of Constables which they shall judge necessary for the Burgh, the said Superintendent of Police is hereby authorized and empowered to appoint proper Persons for the Duty, and to direct their Distribution within the Burgh, and to remove them at pleasure; and the Superintendent of Police may also be appointed Surveyor of Paving and Draining and Inspector of Cleansing: Provided always, that no Burgh to be established in virtue of this Act shall be entitled to maintain Constables in Terms of this Act unless the Population of such Burgh shall, according to the last Census for the Time being, amount to Seven thousand or upwards, it being hereby declared that the true Intent and Meaning of this Act in that respect is that all such Burghs shall, in regard to Constables, be subject to or regulated by the County Police Act Twentieth and Twenty-first of *Victoria*, Chapter Seventy-two, anything in this Act to the contrary notwithstanding.

Constables may execute Warrants, &c.

CXV. All Warrants and Deliverances which may be issued in any Criminal Proceeding arising within the Burgh by the Sheriff of the County may, with the Consent of the Commissioners, be served and executed, and all Services, Citations, and Executions in any such Criminal Proceeding before such Sheriff may be made and given by the Superintendent of Police or any Constable of the Burgh appointed under this Act.

Constables to account for Fees.

CXVI. It shall not be lawful for any Constable acting under this Act to receive to his own Use any Fee for the Performance of any Act done by him in the Execution of his Duty as such Constable, but this Enactment shall not extend to prevent

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vent the Receipt by any such Constable of any Fee or other Payment which he may be liable to account for or pay over to the Commissioners or otherways for the Use of the Burgh.

Duties of Superintendent of Police and Constables.

CXVII. It shall be the Duty of the Superintendent of Police, and of the Constables to be appointed by him, to guard, patrol, and watch within the Burgh, according to the Regulations to be prescribed by the Superintendent of Police, under the Control of the Commissioners; and it shall be lawful for the said Superintendent or any Constable of Police, without any other Warrant than this Act, to apprehend and to bring before the Magistrates of Police all Persons who may be found within the Burgh actually committing any criminal, riotous, or disorderly Conduct or Act, or accused or suspected of having committed Crimes, Delinquencies, or Offences, of whatsoever Description, and at what Place and Period soever the same may have been or are suspected to have been committed, whether the same be of such a Kind as can be competently tried before the Magistrates of Police, or be of a Nature requiring to be remitted for Trial before another Tribunal, or which, from having been committed beyond the Bounds of the Burgh, fall to be tried in another Jurisdiction; and it shall be the Duty of the said Superintendent and Constables to carry into full Effect the whole Provisions and Regulations herein contained, and any Rules, Regulations, or Byelaws which may be made under this Act for the proper guarding, patrolling, and watching within the Burgh; and the Superintendent of Police and Constables shall at all Times afford their Aid and Assistance to the Magistrates of Police, and all other Judges and Magistrates having Jurisdiction within the Burgh, in all Matters relating to the Preservation of Peace and good Order, the Supression of Nuisances, and the Removal of Obstructions within the Burgh, and they shall give Attendance at the Police Courts of the Burgh, and, when required, at all Meetings of the Commissioners or their Committees, and furnish them with all Explanations relating to Matters falling within their several Departments of Duty.

Power to detach Constables to other Places.

CXVIII. On the Requisition of the Sheriff of any County or Chief Magistrate of any Burgh in *Scotland* the Superintendent of Police shall, if so directed by the Magistrates, or in case of Urgency by the acting Chief Magistrate, detach Constables to act in other Counties or Burghs, Guarantee being obtained for Outlay and Expense, and also for Provision in case of Officers being injured or killed.

Powers and Privileges of Superintendent of

CXIX. The Superintendent of Police and Constables shall have all the Powers and Privileges appertaining for the Time being to any Constable by the Law of *Scotland*, as well as all the

the Powers and Privileges specially conferred on Constables by this Act; and the Superintendent of Police shall be a Constable within the meaning of this Act. Police and Constables.

CXX. No Constable appointed under this Act shall resign his Office, or withdraw himself from the Duties thereof, unless expressly allowed so to do in Writing by the Commissioners or by the Superintendent of Police, or until after he has given to the Superintendent of Police One Month's Notice; and every Constable who so resigns or withdraws himself without such Leave or Notice shall be liable to forfeit all Arrears of Pay then due to him, and to a Penalty of not more than Five Pounds, or to Imprisonment for a Period not exceeding Fourteen Days. Constables not to resign without Leave or Notice.

CXXI. It shall be lawful for the Commissioners to fix and appoint suitable Wages to the Constables and other Persons employed by them, to pay the necessary Expenses incurred by them in the Execution of the Duty of their respective Offices, and to reward them for meritorious Services, and also to make Provision for any Superintendent, Constable, or other Servant of the Establishment employed for any of the Purposes of this Act who may at any Time be disabled in or after long Service be unfitted for the Execution of his Duty. Commissioners to fix Salaries of Constables.

CXXII. Every Constable appointed under this Act who is dismissed from or ceases to hold or exercise his Office shall forthwith deliver over to the Superintendent of Police, or to such Person and at such Time and Place as the Commissioners direct, all the Clothing, Accoutrements, Appointments, and other Necessaries which have been supplied to him for the Execution of his Duty, under pain of Imprisonment, with or without Hard Labour, for any Time not exceeding One Month; and the Magistrate may grant Warrant to search for and seize, for the Use of the Commissioners, all the Clothing, Accoutrements, Appointments, and other Necessaries not so delivered over, wherever the same are found. Constables dismissed to deliver up Accoutrements.

CXXIII. Every Person who, not being at the Time a Constable appointed under this Act, has in his Possession any Article being Part of the Clothing, Accoutrements, or Appointments supplied to any such Constable, and who is not able satisfactorily to account for his Possession thereof, or who puts on the Dress, or takes the Name, Designation, or Character of any Person appointed as such Constable, for the Purpose of thereby obtaining Admission into any House or other Place, or of doing or procuring to be done any Act which such Person would not be entitled to do or procure to be done of his own Authority, or for any other unlawful Purpose, shall, in addition to any other Punishment to which he is Penalty for unlawful Possession of Accoutrements, or for assuming the Dress of Constables.

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is liable for such Offence, be liable to a Penalty not exceeding Ten Pounds.

Penalty for Neglect of Duty.

CXXIV. Every Constable who is guilty of any Neglect or Violation of his Duty as a Constable, and is convicted thereof before a Magistrate, shall be liable to a Penalty not exceeding Ten Pounds, the Amount of which Penalty may be deducted from the Salary or Wages due to him or to become due to him, or, in the Discretion of the Magistrate before whom he is convicted, he may be imprisoned for any Time not exceeding One Month, with or without Hard Labour.

Power to provide Offices, Watch-houses, &c.

CXXV. The Commissioners may from Time to Time purchase or rent any Buildings or Land, and convert such Buildings into, or build on such Land, Offices, Watch-houses, Lock-up Houses and other Places necessary for the Purposes of this Act, with all proper Conveniences thereto, and may repair the same from Time to Time, and furnish and fit up the same, and employ proper Persons to take care thereof.

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PART IV.

ORDINARY POLICE PURPOSES.

SECTION I.—*Lighting of Burghs.*

Streets to be lighted.

CXXVI. It shall be lawful for the Commissioners to make Provision for lighting in a suitable Manner the whole Streets, Lanes, Squares, public Passages, Thoroughfares, and Places within the Burgh, and to provide, erect, and maintain such a Number of Lamps, Lamp Posts, and Lamp Irons, and other Appurtenances, as may be necessary for that Purpose, and to light, or to enter into Contracts for lighting, and cause to be lighted, such Lamps by means of Oil or Gas, or such other Light of an improved Kind as they may find expedient; and the Commissioners are hereby authorized to order the Lamp Irons and Lamps to be fixed either upon the Sides of the Causeways, Streets, and Roads, or upon the Curbstones of the Pavements or Footways, or at or upon the Rails or in or upon the Walls or Buildings on the Sides of the Streets, as they shall think proper, without being liable to any Claim for Compensation thereanent.

Penalty for wilfully breaking Lamps.

CXXVII. If any Person shall take away, or wilfully break, throw down, or damage, any Lamp or Lamp Post, or wilfully extinguish the Light, or damage the Iron or Appurtenances of any Lamp, it shall be lawful for any Person who shall see any such Offence committed to seize and apprehend, and for any Person to assist in seizing the Offender, and by the Authority of this Act, without any other Warrant, to convey such

such Offender to the Police Office, or to deliver him into the Custody of a Police Officer, Watchman, or Constable or other Officer, in order to be secured and taken before a Magistrate; and if the Person accused of such Offence, whether apprehended as aforesaid or afterwards cited for the same, shall be convicted thereof, either by his own Confession or on the Evidence of One credible Witness or other legal Evidence, such Person so convicted shall forfeit a Sum not exceeding Ten Pounds for every such Offence, and moreover shall make Satisfaction for the Damages so done by him; and in case such Offender shall not immediately on Conviction pay such Penalty and make such Satisfaction as aforesaid, such Magistrate is hereby empowered, in the summary Manner authorized by this Act, to committ such Offender to Prison for a Space not exceeding Sixty Days.

Persons accidentally breaking Lamps to repair the Damage.

CXXVIII. If any Person shall, through Negligence or Accident, break any Lamp set up in any Street, public or private, or in any common Stair or Passage, or private Court, and shall not, upon Demand, make satisfaction for such Damage, it shall be lawful for any of the Magistrates, upon Complaint thereof being established in the Police Court, under the summary Procedure authorized by this Act, to award such Sum of Money as the Damage proved shall amount to; and if the Sum so awarded shall not be forthwith paid upon Conviction, it shall be lawful to enforce Payment thereof in the same Manner as Penalties are directed to be recovered under this Act.

Price to be paid for Gas to be ascertained in case of Dispute.

CXXIX. If the Commissioners and the Owners of any Gasworks authorized by Act of Parliament to supply Gas within the Burgh, and with whom the Commissioners shall be desirous of contracting, shall not agree as to the Terms and Conditions of the Supply, and as to the Price to be paid for such Supply, then such Terms and Conditions and Price shall be settled by Arbitration, and for that Purpose the Clauses of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Settlement of Disputes by Arbitration, shall be and are hereby incorporated with this Act, and the Expression "the Undertakers" in the said Act shall, in reference to this Act, mean the Commissioners: Provided always, that this Enactment shall not apply to any Burgh where the Supply of Gas for public Lamps is regulated by a Local Act.

Owners to provide Lamps for common Stairs, &c.

CXXX. The Owner or Owners of common Stairs or Passages or private Courts, or of Lands or Premises having a Right of Access by any common Stair or Passage or private Court, shall, when required by the Commissioners, within Seven

PART IV. *Police Purposes.* Sect. 1.

Seven Days next after service of an Order for that Purpose, make Provisions for lighting such common Stair or Passage or Court in a suitable Manner, and for that Purpose provide and erect all necessary Lamps, and alter, repair, and renew such Lamps to the Satisfaction of the Commissioners; and in default of Compliance with any such Order such Owner or Owners shall be liable to a Penalty not exceeding Forty Shillings for every Day that he or they shall so make default.

Penalty for not keeping common Stairs, &c. lighted.

CXXXI. If the Lamp or Lamps which may be erected in any such common Stair or Passage or private Court is or are not regularly cleaned and lighted during such Hours as are from Time to Time fixed by the Commissioners, by the Occupier of any Building or Part of a Building to which Access is obtained by such common Stair or Passage or private Court, every such Occupier failing to do so, whether under Obligation by Contract, or in virtue of this Provision, shall be liable to a Penalty not exceeding Ten Shillings for each Offence.

PART IV.

SECTION II.—*Cleansing Streets.*

Dust, &c. collected to be vested in the Commissioners.

CXXXII. The Dust, Dung, Ashes, Rubbish, and Filth (excepting always Stable and Byre Dung) within the Burgh shall be and the same are hereby vested in the Commissioners, who shall have Power to sell and dispose of the same as they think proper, and the Money arising therefrom shall be applied to the Police Purposes of this Act; and the Commissioners shall cause all the Streets, public or private, together with the Foot Pavements, from Time to Time to be properly swept and cleansed, and all the Dust, Dung, Ashes, Rubbish, and Filth to be collected from such Streets, Privies, Sewers, Cesspools, Houses, or Premises, and to be removed at such convenient Hours and Times as they shall consider proper.

Commissioners may provide Lands, &c. for Deposit of Soil and Materials.

CXXXIII. The Commissioners may from Time to Time provide Places convenient for the Deposit of the Night Soil, Dung, Ashes, and other Filth and Rubbish to be collected under the Authority of this Act, and for stabling and keeping all Horses, Carts, Implements, and other Things required for the Purposes of this Act; and for any of such Purposes the Commissioners may purchase or hire any Lands or Premises by them considered necessary, or they may cause any new Buildings to be made upon any Lands which shall be purchased or hired by them under the Provisions of this Act: Provided always, that it shall be lawful for any Landowner

or

or Householder whose Property may be affected or who thinks himself thereby aggrieved to appeal to the Sheriff in manner after provided.

Dust Boxes to be erected by Commissioners.

CXXXIV. The Commissioners, if they think fit so to do, may cause any Number of moveable or fixed Dust Boxes or other Conveniences, wherein Dust and Ashes may be deposited until removed and carried away, to be provided and placed in such of the public and private Streets as they shall judge necessary, and may require the Occupiers of Premises within such Streets to cause all their Dust and Ashes to be deposited daily in the said Dust Boxes or other Conveniences; and every Person who, being so required, shall fail to deposit or cause to be deposited any Ashes or Dust in some of such Dust Boxes or other Conveniences shall for every Offence be liable to a Penalty not exceeding Ten Shillings.

Commissioners may cause public Conveniences to be erected.

CXXXV. The Commissioners may erect such public Water-closets, Privies, and Urinals within the Burgh, and in such Situations as they think fit, and may defray the Expense thereof and of keeping the same in good Order, and may make Compensation for any Injury occasioned to any Person by the Erection thereof, out of the Police Assessment, but so that such Erection shall not become a Nuisance, and any Householder who thinks himself aggrieved thereby may appeal to the Sheriff in manner after provided.

Commissioners to cause Streets to be watered, and Wells, Pumps, &c. to be provided.

CXXXVI. The Commissioners shall, as often as Occasion requires, cause the public and private Streets to be watered, and they may contract with any Water Company or Person for a supply of Water for that Purpose, and for cleansing the Sewers and Drains; and, if necessary, they may place Pipes, Conduits, and Pumps in any such Streets, or provide any other Works and Engines proper for that Purpose, and remove and alter the same when and as they think proper.

Commissioners to appoint Scavengers.

CXXXVII. The Commissioners shall appoint and employ a sufficient Number of Scavengers, or contract with any Person to employ Scavengers, for sweeping, cleansing, and watering such Streets, and for removing all Dust, Ashes, Rubbish, and Filth therefrom, and for emptying Privies and Cesspools in the Manner by this Act directed; and such Scavengers shall, on such Days and at such Hours and in such Manner as the Commissioners shall from Time to Time appoint, sufficiently execute all such Works and Duties as they have respectively contracted or been employed to perform; and every such Contractor who fails to sweep and properly cleanse or water any such Streets which he has contracted to sweep, cleanse, or water, or who fails to clean out and empty any Privy, Cesspool, Reservoir, or Sewer which he has

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has contracted to clean out and empty, at the Time and in the Manner appointed by the Commissioners, or to collect or remove any Dirt, Ashes, or Rubbish which he has contracted to remove, at the Time and in the Manner prescribed by the Commissioners for that Purpose, or who lays any of such Soil, Dust, Ashes, or Rubbish or Filth in any other Places than such as are appointed by the Commissioners for that Purpose, shall for every such Offence be liable to a Penalty not exceeding Five Pounds: Provided always, that nothing contained in this Act shall extend to or affect the Obligations of Turnpike Road or other Trustees in regard to the Roads under their Management within the Burgh.

Penalty for obstructing Scavengers.

CXXXVIII. Every Person who refuses to permit the said Scavengers to remove such Dirt, Ashes, or Rubbish as by this Act they are authorized to do, or who obstructs the said Scavengers in the Performance of their Duty, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on Persons other than Scavengers removing Dirt.

CXXXIX. Every Person, other than the Person employed by the Commissioners, or by some Person contracting with the Commissioners for that Purpose, who collects or carries away any Dung, Night Soil, Dust, Ashes, Rubbish, or Filth by this Act directed to be collected or removed by the Commissioners, or by Persons employed by them, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

Horse and Cow Dung to be kept off the Streets.

CXL. It shall not be lawful to deposit, except for the Purpose of Removal, any Horse or Cow Dung upon such Streets (Mews or Stable Lanes excepted); and no Horse or Cow Dung, wherever lawfully kept, shall be mixed with any Dung, Soil, Dirt, Ashes, or Filth declared by this Act to be the Property of the Commissioners; and where any Horse or Cow Dung shall be found in any such Streets (excepting as aforesaid), or shall be so mixed, the same shall be taken possession of by the Inspector of Cleansing, and sold, and the Proceeds of such Sale accounted for and applied to the Police Purposes of this Act.

Stables and Byres to be kept clean.

CXLI. All Stables and Byres, and Areas therewith connected, shall be constantly kept in a clean Condition to the Satisfaction of the Inspector of Cleansing, under a Penalty not exceeding Twenty Shillings for each Offence; and it shall be the Duty of the Inspector from Time to Time to examine the State of all such Places, with a view to the Enforcement of this Enactment.

Areas, &c. to be cleansed by Occupiers.

CXLII. All Private Courts, Yards, Areas, and other Places which are not cleansed by Scavengers appointed under this Act, shall be kept clean, and shall at least Three Times in every

every Week, or when required by the Superintendent of Police or Inspector of Cleansing, be cleaned out, by or at the Expense of the Occupiers of such Courts, Yards, Areas, or other Places respectively; and if such Courts, Yards, Areas, or other Places shall not be so kept and cleansed the Occupiers thereof shall be liable to a Penalty not exceeding Ten Shillings for every such Offence.

Penalty for Neglect.

CXLIII. It shall be lawful for the Commissioners or any of them, after Inspection and Report by the Superintendent of Police or Inspector of Cleansing, to regulate and limit the Time within which all common Necessaries and Dungsteads shall be emptied and cleaned out; and if any other Person under Obligation by Contract or otherwise to empty or clean out such Places shall fail so to do within the Time so limited, such other Person shall be liable in a Penalty not exceeding Twenty Shillings, besides Forfeiture of any Stable or Byre Dung in such Place, which Dung the Inspector of Cleansing, or any other Officer authorized by the Commissioners, may remove or dispose of, or cause to be removed and disposed of, and the Proceeds, under Deduction of the Expenses of Removal, shall be applied to the Police Purposes under this Act.

Dungsteads, &c. to be cleaned out.

CXLIV. Every Person who shall lay or cause to be laid on any such Streets any Dung or Manure, for the Purpose of removing the same, shall remove and take the same away before Eight of the Clock of the Day on which it shall be so laid in such Streets, from the First Day of *October* to the First Day of *April*, and before Seven of the Clock of the Day from the First Day of *April* to the First Day of *October;* and if Dung or Manure shall be allowed to remain on any Part of such Streets after the said Hours, the Person offending shall be liable to a Penalty not exceeding Five Shillings for each Offence, and that over and above the Forfeiture of the Dung or Manure, which shall be removed by the Officers of Police, who shall have Power to dispose of the same for the Police Purposes of this Act.

As to Removal of Dung.

CXLV. The Commissioners may from Time to Time fix the Hours within which only it shall be lawful to remove offensive Matter from any Premises; and when the Commissioners have fixed such Hours, and given public Notice thereof in such Manner as they may deem proper, every Person who removes along any such Street any offensive Matter at any Time, except within the Hours so fixed, and every Person who at any Time, whether such Hours have been fixed by the Commissioners or not, uses for any such Purpose any Cart or Carriage not having a Covering proper for preventing the Escape

Penalty for conveying offensive Matter at improper Times.

Escape of the Contents of such Cart, or of the Stench thereof, or who wilfully spills any such offensive Matter in the Removal thereof, or who does not carefully sweep and cleanse every Place in which any such offensive Matter has been placed or unavoidably spilled, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings; and in default of the Apprehension of the actual Offender the Driver or Person having charge of the Cart or Carriage employed for any such Purpose shall be deemed to be the Offender.

PART IV.

SECTION III.—*Paving and Maintaining Streets.*

Power to the Commissioners to improve and form public Streets.

CXLVI. The Commissioners may from Time to Time cause all or any of the Streets within the Burgh not under the Management of any Turnpike Road or other Trustees, or any Part of such Streets respectively, to be raised, lowered, altered, and formed in such Manner and with such Materials as they think fit, and they shall also repair such Streets from Time to Time: Provided always, that nothing in this Act contained shall interfere with any Right to have applied to such Streets any Commutation for Statute Labour, or other Fund, by Law applicable to the Maintenance or Repair of such Streets; and any Person considering himself aggrieved may appeal to the Sheriff in manner after provided.

Commissioners may place Fences to Footways.

CXLVII. The Commissioners shall from Time to Time place such Fences and Posts on the Side of the Footways of Streets as may be needed for the Protection of Passengers on such Footways, and they may place Posts in the Carriageways of such Streets, so as to make the crossing thereof less dangerous for Foot Passengers, and they shall from Time to Time repair any such Fences or Posts, or may remove the same, or any Obstructions to any such Carriageway or Footway, as they think fit.

Penalty on Persons altering Pavements without the Consent of the Commissioners.

CXLVIII. Every Person who wilfully displaces, takes up, or makes any Alteration in the Pavement, Flags, or other Materials of any Street, without the Consent of the Commissioners in Writing, or without other lawful Authority, shall be liable to a Penalty not exceeding Five Pounds, and also a further Sum, not exceeding Five Shillings, for every Square Foot or Part of a Square Foot of the paved Flags or other Materials of the Street exceeding One Square Foot so displaced, taken up, or altered; and any Persons having Authority to take up the Pavement, Flags, or other Materials of any Street shall be bound to restore the same, in a substantial Manner and to the Satisfaction of the Commissioners; failing which,

which, the Commissioners shall have Power to restore the Pavement, Flags, or other Materials at the Expense of such Persons, and to enforce Payment thereof.

Foot Pavements.

CXLIX. The Owners of all Lands or Premises fronting or abutting on any Street shall, at their own Expense, when required by the Commissioners, cause Footways before their Property respectively on the Sides of such Street to be made, and to be well and sufficiently paved with flat hewn or other Stones, or to be constructed in such other Manner and Form and of such Breadth as the Commissioners shall direct, and shall thereafter, from Time to Time, as Occasion may require, repair and uphold such Footways: Provided always, that where the Lands or Premises of any Owner front or abut on any Street for a continuous Length exceeding One hundred Yards, and such Lands or Premises are unfeued or unbuilt on, it shall not be lawful to the Commissioners to require such Owner to construct such Footway, but the Commissioners may themselves cause such Footway to be constructed in so far as they think proper, and shall be entitled forthwith to recover from such Owner One Third of the Expense thereof, and the remaining Two Thirds thereof whenever the Lands fronting or abutting on the Footway so constructed by them are actually feued or built upon, or laid out or used as a Garden or Pleasure Ground or Pertinent of a House.

Private Streets not properly formed.

CL. Whereas it would conduce to the Convenience of the Inhabitants, and be for the public Advantage, if Provision were made for the levelling, paving, or causewaying and flagging of Streets which have been laid out and formed by Persons who have neglected to have the same properly levelled, paved or causewayed and flagged, and for preventing such Inconveniences in future: Be it therefore enacted, That where any private Street or Part of a Street is at the Adoption of this Act formed or laid out, or shall at any Time thereafter be formed or laid out, and is not, together with the Footways thereof, sufficiently levelled, paved or causewayed and flagged to the Satisfaction of the Commissioners, it shall be lawful for the Commissioners to cause any such Street or Part of a Street, and the Footways thereof, to be freed from Obstructions, and to be properly levelled, paved or causewayed and flagged, and channelled, in such Way and with such Materials as to them shall seem most expedient; and no such Street shall be considered to have been sufficiently paved or causewayed and flagged unless the same shall be completed with Kerbstones and Gutters to the Satisfaction of the Commissioners.

CLI. The whole of the Costs, Charges, and Expenses incurred

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curred by the Commissioners in respect of private Streets shall be paid and reimbursed to them by the Owners of the Lands or Premises fronting or abutting on each Street, in proportion to the Extent of their respective Premises fronting or abutting on such Street, as the same shall be ascertained and fixed by the Commissioners or their Surveyor.

Expense to be paid by Owners.

In certain Cases Proportion of Expenses to be fixed by Commissioners.

CLII. Where One or more private Streets or Parts thereof serve for or lead to various Premises adjoining the same, or where, from the peculiar Nature of the Locality, in the Judgment of the Commissioners, the Proportions of each Owner cannot be regulated according to the Frontage as above provided for, the Commissioners shall fix and determine the Premises the Owners of which shall be liable for such Costs, Charges, and Expenses, and the Proportions leviable from each Owner, as they shall consider, under all the circumstances of the Case, to be just.

Owners to be liable only for Proportions of Expenses.

CLIII. Each Owner shall be liable only for his own Proportion of the said Costs, Charges, and Expenses, and any Owner who shall have well and substantially, and to the Satisfaction of the Commissioners, levelled, made, paved, or causewayed and flagged, and channelled, any Part of such private Street or of the Footways thereof, or done any of such Works, shall be entitled to such Relief as shall appear to the Commissioners to be just.

Private Streets may be declared Streets, as defined in this Act.

CLIV. If any private Street shall at any Time be made, paved, or causewayed and flagged, and put in good Order and Condition, to the Satisfaction of the Commissioners, then, and on Application of any One or more of the Owners of Premises fronting or abutting upon such Street, it shall be lawful for the Commissioners to declare the same to be a Street, as defined in this Act, and for ever afterwards vested in the Commissioners, and shall, with the Exception of the Footway, be repaired and repairable by the Commissioners, under the Authority and Powers of this Act.

Commissioners may relieve Owners within Burgh from Repair of Footways.

CLV. It shall be lawful to the Commissioners acting under this or any General or Local Act, instead of enforcing the Maintenance and Repair of Footways within Burgh by Owners, to resolve, at a Meeting held for the Purpose, to undertake such Maintenance and Repair, and thereafter such Footways shall be maintained and repaired by the Commissioners: Provided always, that nothing herein contained shall apply to the Footways of private Streets, nor shall affect the Right of the Commissioners to require such Footways to be previously made.

Right of Relief, &c.

CLVI. Nothing in this Act contained shall affect any Right of Relief in regard to the making, paving or causewaying, maintaining,

maintaining, or cleansing of Streets which the Owner or any other Person may have by Feu Contract or otherwise; nor shall any Liability attaching in Law to the Trustees of any Turnpike or other Road, or other Persons liable to make, pave or causeway, maintain, or cleanse Streets or the Footways thereof, be affected, altered, or abridged hereby.

not to be affected.

CLVII. Provided always, That as regards the paving or causewaying and maintaining Streets, public or private, including the Footways thereof, it shall be lawful for any Person whose Property may be affected, and who thinks himself thereby aggrieved, to appeal to the Sheriff in manner after provided.

Right of Appeal.

PART IV.

SECTION IV.—*Naming the Streets, and numbering the Houses.*

CLVIII. The Commissioners shall from Time to Time cause the Houses and Buildings in all or any of the Streets, public or private, to be marked with Numbers, as they think fit, and shall put up or paint on a conspicuous Part of some House, Building, or Place, in legible Characters, at or near each End, Corner, or Entrance of every such Street, the Name of such Street; and no Name shall be given to any Street without the Consent of the Commissioners; and every Person who destroys, pulls down, or defaces any such Number or Name, or puts up any Number or Name different from the Number or Name put up or caused to be put up by the Commissioners, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

Houses to be numbered and Streets named.

CLIX. The Owners of Houses and other Buildings in the said Streets shall mark their Houses with such Numbers as the Commissioners direct, and shall renew such Numbers as often as they become obliterated or defaced; and every such Owner who fails, within One Week after Notice for that Purpose from the Commissioners, to mark his House with a Number directed by the Commissioners, or to renew such Number when obliterated, shall be liable to a Penalty not exceeding Forty Shillings; and the Commissioners shall cause such Numbers to be marked or to be renewed, as the Case may require.

Numbers of Houses to be renewed by Owner.

PART IV.

SECTION V.—*Improving Streets and removing Obstructions.*

CLX. The Commissioners may allow, upon such Terms as they think fit, any Building within the Burgh to be set forward

Houses may be set forward for improving Line of Street.

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ward for improving the Line of the Street in which such Building or any Building adjacent thereto is situated.

Power to purchase Houses, &c. for additional Improvements.

CLXI. The Commissioners may, at a meeting to be held for the Purpose, resolve to acquire Lands or Premises within the Burgh for the Purpose of widening, enlarging, or otherwise improving any of the Streets, and they may re-sell any Parts of such Lands or Premises which shall not be required for such Purposes; and they may also drain, repair, or otherwise improve Courts and Places where there may be Doubt as to the Liability of Owners to execute such Works, and in Localities within the Burgh, when Houses or other Buildings are, in the Opinion of the Commissioners, built too close to each other, or have become waste and ruinous, or are liable to other Objections on sanitary Grounds, it shall also be lawful to the Commissioners to resolve to acquire Lands or Premises, for the Purpose of reserving them as vacant Spaces, or of improving the Buildings, or of otherwise disposing of them so as to improve the sanitary Condition of such Localities; and the Expense of such Acquisitions and Improvements shall be a charge against the General Improvement Rate herein-before authorized to be levied; Provided always, that the Commissioners may resolve that the same shall be charged, as they are hereby empowered to do, against the Police Assessment.

Commissioners may acquire Premises for sanitary Purposes.

Houses projecting beyond Line of Street, when taken down, to be set back.

CLXII. When any House or Building, any Part of which projects beyond the regular Line of the Street, or beyond the Front of the House or Building on either Side thereof, has been taken down in order to be altered, or is to be rebuilt, the Commissioners may require the same to be set backwards to or toward the Line of the Street, or the Line of the adjoining Houses or Buildings, in such Manner as the Commissioners may direct, for the Improvement of such Street: Provided always, that the Commissioners shall make full Compensation to the Owner of any such House or Building for any Damage he thereby sustains, which Compensation may be settled in the same Manner as Compensation for Land to be taken under the Provisions of the "Lands Clauses Consolidation (*Scotland*) Act, 1845," is directed to be settled, and shall form a Charge against the General Improvement Rate; Provided always, that the Commissioners may resolve that the same shall be charged, as they are hereby empowered to do, against the Police Assessment.

Future Projections of Houses, &c. to be removed on Notice.

CLXIII. The Commissioners may give Notice to the Owner of any House or Building to remove or alter any Porch, Shed, projecting Window, Step, Cellar, Cellar Door or Window, Sign, Sign Post, Sign Iron, Showboard, Window Shutter,

Shutter, Wall, Gate, or Fence, or any other Obstruction or Projection erected or placed, after the Adoption of this Act, against or in front of any House or Building within the Burgh, and which is an Obstruction to the safe and convenient Passage along any Street; and such Owner shall, within Fourteen Days after the Service of such Notice upon him, remove such Obstruction, or alter the same in such Manner as shall have been directed by the Commissioners, and in default thereof shall be liable to a Penalty not exceeding Forty Shillings; and the Commissioners in such Case may remove such Obstruction or Projection, and the Expense of such Removal shall form a Charge against and be paid by the Owner so making default; and no Person shall erect any Projection whatever in any Street without the written Consent of the Commissioners, under a Penalty of Forty Shillings for each Offence.

Commissioners may cause existing Projections to be removed, and Compensation to be made.

CLXIV. If any such Obstructions or Projections were erected or placed against or in front of any House or Building in any such Street before the Adoption of this Act, the Commissioners may cause the same to be removed or altered as they think fit, provided that they give Notice of such intended Removal or Alteration to the Owner of the House or Building against or in front of which such Obstruction or Projection shall be, Thirty Days before such Alteration or Removal is begun; and if such Obstructions or Projections shall have been lawfully made, they shall make reasonable Compensation to every Person who suffers Damage by such Removal or Alteration.

Doors in future to be made to open inwards.

CLXV. All Doors, Gates, and Bars put up after the Adoption of this Act within the Burgh, and which open upon any Street, shall be hung or placed so as not to open outwards, except when, in the Case of public Buildings, the Commissioners allow such Doors, Gates, or Bars to be otherwise hung or placed; and if, except as aforesaid, any such Door, Gate, or Bar be hung or placed so as to open outwards on any Street, the Owner of the Premises to which such Door, Gate, or Bar is attached shall, within Eight Days after Notice from the Commissioners to that Effect, cause the same to be altered so as not to open outwards; and in case he neglect so to do the Commissioners may make such Alteration, and the Expenses of such Alteration shall be paid to the Commissioners by such Owner, and shall be recoverable from him, and he shall in addition be liable to a Penalty not exceeding Forty Shillings.

Doors opening outwards may be altered.

CLXVI. If any such Door, Gate, or Bar was, before the Adoption of this Act, hung so as to open outwards upon any Street,

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Street, the Commissioners may alter the same, so that no Part thereof when open shall project over any public Way.

Coverings for Cellar Doors to be made by Occupier.

CLXVII. When any Opening is made in any Pavement or Footpath within the Burgh as an Entrance into any Vault or Cellar, a Door or Covering shall be made by the Owner of such Vault or Cellar, of Iron or such other Materials and in such Manner as the Commissioners direct, and such Door or Covering shall from Time to Time be kept in good Repair by the Owner of such Vault or Cellar; provided always, that before such Opening is made the Consent of the Commissioners thereto shall be obtained in Writing; and if such Owner do not within a reasonable Time make such Door or Covering, or if he make any such Door or Covering contrary to the Directions of the Commissioners, or if he do not keep the same when properly made in good Repair, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty for Neglect.

Rain Water to be conveyed from Roofs of Houses in Pipes.

CLXVIII. The Owner of every House or Building in, adjoining, or near to any Street, public or private, shall put up and keep in good Condition a Shoot or Trough of the whole Length of such House or Building, and shall connect the same with a Pipe or Trunk to be fixed to the Front or Side of such Building from the Roof to the Ground, to carry the Water from the Roof thereof, in such Manner that the Water from such House, or any Portico or Projection therefrom, shall not fall upon the Persons passing along such Street, or flow over the Footpath; and for the latter Purpose it shall be lawful for any such Owner to take up so much of the Pavement, Causeway, or Flagging of any Street as may be requisite, and to lay down such Drains or Tunnels, or fix Iron Drain Gutters, under the Direction of the Commissioners; and all Damage which may thereby be occasioned to the Pavement, Causeway, or Flagging of the Footpath or Carriageway shall be made good at the Expense of such Owner; and in default of Compliance with this Enactment such Owner shall be liable to a Penalty not exceeding Forty Shillings for every Day that he shall so make default, after being required by the Commissioners to comply therewith.

Parties aggrieved may appeal to the Sheriff.

CLXIX. Provided always, That, as regards the improving the Line or Level of any Street, and removing Obstructions, or any other Work to be executed by the Commissioners, under the Provisions of this Act, for the Improvement of any Streets, it shall be lawful for any Person whose Property may be taken or affected, and who thinks himself thereby aggrieved, to appeal to the Sheriff in manner after provided.

PART IV.

SECTION VI.—*Laying out new Streets.*

Notice of Intention to lay out new Streets to be given to Commissioners.

CLXX. Every Person who intends to make or lay out any new Street shall give Notice thereof to the Commissioners, in order that the Level of such Street may be fixed by the Commissioners: Provided always, that where any such Street is, at the Time of the Adoption of this Act, in whole or in part, the Subject of any Contract for the Formation thereof then existing, the same shall not be held or taken to be a new Street within the Meaning of this Act.

Levels to be fixed by the Commissioners.

CLXXI. The Level of every such new Street shall be fixed by the Commissioners within Six Weeks after the Delivery of such Notice, but subject to Appeal to the Sheriff, if such Appeal shall be entered within Three Weeks from the Date of Intimation of such Deliverance by the Commissioners; and the Decision of the Sheriff, if such Appeal be taken, or such Deliverance by the Commissioners if not appealed to the Sheriff, shall be final; and the Level so fixed shall be kept thereafter by every Person erecting any House or other Building in such Street.

If the Commissioners fail to fix the Level, the Party may proceed without.

CLXXII. If the Commissioners do not fix such Level within Six Weeks from the Time of the Delivery of such Notice as aforesaid, the Person giving such Notice may proceed to lay out such Street at any Level which will allow of Compliance with the other Provisions of this Act, as if such Level had been fixed by the Commissioners; and in such Case every Change of the Level which the Commissioners afterwards deem requisite, and the Works consequent thereon, shall be made by the Commissioners, and the Expense thereof, and any Damage which any Person sustains in consequence of such Alteration, shall be defrayed by them out of the Police Assessment.

Persons laying out Streets without Notice to be liable to the Expenses of subsequent Alterations of Levels.

CLXXIII. Every Person who makes or lays out any such new Street as aforesaid, without causing such Notice to be given to the Commissioners as aforesaid, shall be liable to defray all the Expenses consequent upon any Change of the Level of such Street deemed requisite by the Commissioners; and every Person who in building any House or other Building in such Street does not keep the Level fixed by the Commissioners shall be liable to defray all the Expenses consequent upon any Alteration on any such House or Buildings, or any Change of the Level of that Part of such Street on which such House or Building abuts, which the Commissioners deem requisite.

CLXXIV. If

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Situation of Gas and Water Pipes to be altered at the Expense of the Commissioners.

CLXXIV. If the Commissioners deem it necessary to raise, sink, or otherwise alter the Situation of any Water Pipe or Gas Pipe, or other Waterworks or Gasworks, laid in any such Streets, they may from Time to Time, by Notice in Writing, require the Person to whom any such Pipes or Works belong to cause forthwith any such Pipes or Works to be raised, sunk, or otherwise altered in Position in such Manner as the Commissioners may direct; provided that such Alteration be not such as permanently to injure such Works, or to prevent the Water or Gas from flowing as freely and conveniently as before; and the Expenses attending such raising, sinking, or altering, and Compensation for every Damage done thereby, shall be paid by the Commissioners out of the Police Assessment, or other Rates or Assessments, as the Case may be, as well to the Persons to whom such Pipes or Works belong as to all other Persons.

If Gas or Water Company neglect to make the Alteration, the Commissioners may cause the same to be done.

CLXXV. If the Person to whom any such Pipes or Works belong do not proceed forthwith, after the receipt of such Notice, to cause the same to be raised, sunk, or altered in such Manner as the Commissioners require, the Commissioners may themselves cause such Pipes or Works to be raised, sunk, or altered, as they think fit; provided that such Works be not permanently injured thereby, or the Water or Gas prevented from flowing as freely and conveniently as before.

Commissioners may agree as to making of new Streets.

CLXXVI. It shall be lawful for the Commissioners to agree with any Person for the making of new Streets for the Public Use through the Lands and at the Expense of such Person, and to agree that such Streets shall become and the same shall accordingly become, on Completion, public Streets to be maintained and repaired at the Public Expense; and it shall be lawful for the Commissioners, with the Consent of Two Thirds of their Number, to agree with such Person to pay any Portion of the Expense of making such Streets out of the Police Assessment, and accordingly to pay the same.

Width of new Courts.

CLXXVII. It shall not be lawful to form, lay out, or build any Court unless the same shall be of a clear width of Fifteen Feet, measuring from the Buildings or intended Buildings therein: Provided always, that to any such Court in which there shall be more than Eight Houses there shall be an additional Width of One Foot for every such additional House; provided also, that there shall be an Entrance to every such Court of the full width thereof, and open from the Ground upwards.

Height of Houses in Courts.

CLXXVIII. It shall not be lawful to build any Houses in any Court which shall be of greater Height than Thirty Feet, nor shall any Houses in any Court contain more than Two Flats above the Ground Flat, which Height shall be taken from

from the Level of the Ground Floor to the Eave of the Roof.

Penalty for forming Courts contrary to Act.

CLXXIX. Every Person who shall, from and after the Adoption of this Act, form or lay out, or permit or suffer to be formed or laid out, any new Court, or any Part thereof respectively, within the Burgh, or who shall build, raise, or add to any House or Premises therein, or permit or suffer the same to be done, contrary to the Provisions of this Act, unless the same shall have been formally sanctioned by the Commissioners on a Consideration of the Special Circumstances of the Case, which Sanction they are hereby empowered to give, shall forfeit and pay a Sum not exceeding Twenty Pounds, and a further Sum not exceeding Five Pounds per Day for every Day after the first, during which he shall permit or suffer such new Court, or Part thereof, or such Houses or Premises, to remain so formed, laid out, built, or added to as last aforesaid: Provided always, that the Provisions of this Act relating to the Width and Construction of Courts, shall not extend or apply to any existing Court which shall be proved to the Satisfaction of the Commissioners to be agreed to have been formed previous to the Adoption of this Act.

Removal of Toll Bars within Burgh.

CLXXX. It shall be lawful for the Commissioners, and for the Trustees of any Turnpike Road, the whole or any Portion of which is within the Burgh, to contract for the Removal of any Toll Bar thereon from within or nearer to the Limits of the Burgh, and also, if thought expedient, for the Relinquishment by such Trustees, and the Assumption by the Commissioners as a public Street, of the whole of the said Turnpike Road so far as situated in the Burgh, or of Part thereof, all on such Terms and Conditions, and in consideration of such single or annual Payment out of the Funds belonging to or under their Control respectively, as may be mutually agreed on: Provided always, that no such Contract shall be valid and effectual unless agreed to at a General Meeting of such Trustees specially called for the Purpose, and confirmed at another such Meeting called in like Manner, and held not less than Three Weeks nor more than Six Weeks thereafter; and that no Person qualified as a Trustee by holding the Office of Lord Provost, Provost, Baillie, Dean of Guild, Deacon Convener, Treasurer, Master of Works, or other Municipal Office in the Burgh shall be entitled to vote at any such Meeting in relation to any such Contract: Provided also, that where the whole Money borrowed on the Credit of the Tolls of any such Turnpike Road shall not have been discharged, no such Contract shall be valid without the Consent thereto in Writing of the Persons entitled to Three Fourths of the Money remaining due

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due upon such Tolls, and of such Trustees as shall have become personally liable for the same: Provided further, that it shall be lawful for the Trustees of any Turnpike Road from which a Toll Bar shall be removed in pursuance of the Provisions herein-before contained to levy at such Bar, where re-erected, and also at the other Bars on the said Road, the same Tolls as they might have levied if such Bar had not been removed.

Exemption of Roads under Trustees.

CLXXXI. The Provisions of this Act in regard to paving and maintaining Streets, excepting Foot Pavements as above provided, shall not apply to any Roads or Streets which are or may come under the Management of Turnpike or other Road Trustees, and this Act shall in no respect repeal, alter, or affect the Powers or Obligations of such Trustees, or the Provisions of any Act of Parliament under which they act.

PART IV.

SECTION VII.—*Public Sewers.*

Sewers, &c. vested in Commissioners.

CLXXXII. All Sewers and Drains within the Burgh, whether existing at the Time when this Act is adopted or made at any Time thereafter, (except Sewers and Drains within the private Property of any Person made and used as of private Right by any Person or Persons for his or their own Benefit, or for the Benefit of Proprietors or Shareholders, and except Sewers and Drains made and used for the Purpose of draining, preserving, or improving Land, under any Local or Private Act of Parliament,) shall vest in and belong to and be entirely under the Management and Control of the Commissioners.

Power to purchase, &c. certain Sewers.

CLXXXIII. The Commissioners may, if they shall think fit, purchase the Rights, Privileges, Powers, and Authorities vested in any Person for making Sewers not hereby vested in the Commissioners, or contract for the Use of any such Sewers within the Burgh, or purchase any such Sewers, with or without the Buildings, Works, Materials, and Things belonging or appertaining thereto; and any Person to whom any such Rights, Privileges, Powers, Authorities, Sewers, Buildings, Works, Materials, or Things belong may sell and dispose of the same to or otherwise contract with the Commissioners; and in case of any such Sale the Purchase Money shall be settled and applied to the same Uses and Purposes to which the Property purchased may have been subject at the Time of such Sale, and the Property purchased shall vest in and belong to the Commissioners purchasing the same, any Law to the contrary notwithstanding: Provided always, that, notwithstanding

withstanding any such Purchase, any Person who previously thereto may have acquired perpetual Right to use any Sewer so purchased shall be entitled to use the same, or any other Sewer substituted in lieu thereof, in as full and ample a Manner as he would or might have done if such Purchase had not been made.

Private Sewers or Watercourses, &c. not to be used without Consent.

CLXXXIV. Nothing in this Act contained shall be construed to authorize the Commissioners, contrary to or inconsistently with any private Right, to use, injure, or interfere with any Sewers or other Works already made or used for the Purpose of draining, preserving, or improving Land under any Local or Private Act of Parliament, or for the Purpose of irrigating Lands, or to use, injure, or interfere with any Watercourse, Stream, River, Dock, Basin, Wharf, Quay, or Towing-path in which the Owner or Occupier of any Lands, Mills, Mines, or Machinery, or the Proprietors of any Canal or Navigation, shall have Right and Interest, without Consent in Writing first had and obtained from the Person legally entitled to grant the same; and nothing in this Act contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities given or reserved to any Person under any Local or Private Act of Parliament for the Drainage, Preservation, or Improvement of Land, or for or in respect of any Mills, Mines, Machinery, Canal, or Navigation as last aforesaid.

Drainage Districts to be formed, subject to the Approval of the Sheriff.

CLXXXV. The Commissioners may from Time to Time, subject to the Approval of the Sheriff, divide the whole Burgh, if and as Occasion shall require, into separate Drainage Districts, having regard in such Division to the Nature of the Ground, to the Main Lines of Sewers by which such separate Drainage Districts are or shall be drained, and to the equal Benefit, as far as may be, of all the Lands or Premises to be comprised in any such Drainage District, and shall cause their Surveyor to define and describe the several Drainage Districts on a Plan of the Burgh to be made as after provided for.

Power to Commissioners to construct Sewers where none exist, making Compensation to Owners of Property.

CLXXXVI. The Commissioners shall from Time to Time, subject to the Restrictions herein contained as to the Notice to be given and the Plans and Estimates to be prepared, cause to be made, under the Streets, public or private or elsewhere, such Main and other Sewers as shall be necessary for the effectual draining of the Burgh, and shall also, if necessary for such Drainage, deepen, divert, or cover over any Burn or any Ditch made use of as a Common Sewer, or any Ditch into which Sewage flows, and shall also cause to be made all such Reservoirs, Sluices, Engines, and other Works as shall be necessary for cleansing such Sewers, and, if needful, they may carry

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carry such Sewers through and across all underground Cellars and Vaults under any such Streets, doing as little Damage as may be, and making full Compensation for any Damage done; and if, for completing any of the aforesaid Works, it be found necessary to carry them into or through any inclosed or other Lands, the Commissioners may carry the same into or through such Lands accordingly, making full Compensation to the Owners and Occupiers thereof, and they may cause the Refuse from such Sewers to be conveyed by a proper Channel to the most convenient Site for its Collection, and Sale for Agricultural or other Purposes, as may be deemed most expedient, but so that the same shall in no Case become a Nuisance: Provided always, that if in making any such Main and other Sewers, or in repairing, constructing, or enlarging the same or existing Drains or Sewers, the Contents at present carried into any existing Outlet shall be diverted therefrom to the Prejudice of any actual existing legal Right, the Commissioners shall be bound to make Compensation therefor; which Compensation shall be settled in the same Manner as Compensation for Land to be taken under the Provisions of the "Lands Clauses Consolidation (*Scotland*) Act, 1845," is directed to be settled.

Commissioners may alter Sewers from Time to Time.

CLXXXVII. The Commissioners may from Time to Time, as they see fit, repair, enlarge, alter, arch, or cover over, and otherwise improve all or any of the Sewers vested in them; and if any of such Sewers at any Time appear to them to have become useless, the Commissioners, if they think fit to do so, may demolish and discontinue such Sewer, provided that it be so done as not to create a Nuisance.

Commissioners not to destroy existing Sewers, &c. without providing others. Penalty for Neglect.

CLXXXVIII. If any Person, by means of any Enlargement, Alteration, or Discontinuance of any Sewer, or other Proceeding of the Commissioners, be deprived of the Use of any Sewer or Drain which such Person was theretofore lawfully entitled to use, the Commissioners shall provide some other Sewer or Drain equally effectual for such Purpose; and if the Commissioners refuse, or do not within Seven Days next after Notice in Writing served upon them begin, and thereupon diligently proceed to restore to its former effective State, such Drain or Sewer the Use whereof has been affected by the Acts of the Commissioners, or to provide such other Sewer or Drain as aforesaid, they shall forfeit to the Person aggrieved any Sum not exceeding Forty Shillings for every Day after the Expiration of such Seven Days during which he is deprived of the Use of the Drain or Sewer to which he was so entitled, and is not provided with such other Drain or Sewer as aforesaid.

CLXXXIX. Before

Commissioners to cause Estimates to be prepared before Execution of Works.

CLXXXIX. Before entering into any Contract for executing any such Work as aforesaid, the Commissioners shall procure from their Surveyor an Estimate of the probable Expense of constructing the same in a substantial Manner, and of the yearly Expense of maintaining the same in repair, and such Surveyor shall accompany such Estimate with a Report as to the most advantageous Mode of constructing such Work, whether under a Contract for constructing the same merely, or a Contract for constructing the same and maintaining it in repair during a given Term of Years.

Penalty for making unauthorized Drains.

CXC. Every Person, not being employed or authorized for that Purpose by the Commissioners, who shall make any Drain from any Lands or Premises into any of the Sewers vested in the Commissioners, shall be liable to a Penalty not exceeding Five Pounds; and the Commissioners may cause such Drain to be re-made as they think fit, and the Expense incurred thereby shall be paid by the Owner of the Lands or Premises, and that over and above a reasonable Sum of Money for the Use of the Sewers, which the Commissioners are hereby authorized and required to exact for all Lands or Premises which were not assessed for the Expense of making such Sewers, or which shall have been built, enlarged, or altered after the Assessment for making the same was imposed or levied, and the Commissioners shall fix and determine the Sum to be paid as they shall consider just.

Vaults and Cellars under Streets not to be made without the Consent of the Commissioners.

CXCI. No Building shall be erected over any Sewer belonging to the Commissioners, and no Vault, Arch, or Cellar shall be made under the Carriageway of any Street, public or private, without the Consent of the Commissioners first obtained in Writing; and all such Vaults, Arches, and Cellars shall be substantially made, and so as not to interfere or communicate with any Sewers belonging to the Commissioners; and if, after the Adoption of this Act by any Burgh, any Building be erected, or any Vault, Arch, or Cellar be made therein, contrary to the Provisions herein contained, the Commissioners may demolish or fill up the same, and the Expenses incurred thereby shall be paid by the Person erecting such Building, or making such Vault, Arch, or Cellar.

All Sewers, &c. to be covered with Traps.

CXCII. All Sewers and Drains within the Burgh, whether public or private, shall be provided by the Commissioners or other Persons to whom they severally belong with proper Traps or other Coverings or Means of Ventilation, so as to prevent Stench.

Distillers to construct Reservoirs to

CXCIII. The Owners or Occupiers of Distilleries, Manufactories, and other Works shall be compelled, where possible, to dig, make, and construct Pools or Reservoirs within their

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deposit Refuse.

their own Ground, or as near their Works as possible, for receiving and depositing the Refuse of such Works, so far as offensive or dangerous to the Health of those living in the Vicinity thereof, or to use the best practicable Means for rendering the same inoffensive or innoxious before discharging it into any River, Stream, Ditch, or Sewer.

Sewers may be used by Owners and Occupiers of Land or Premises beyond Limits of Burgh.

CXCIV. Any Person, being the Owner or Occupier of any Lands or Premises beyond the Burgh, and in respect of which he would not be liable to the Payment of the Rates authorized to be levied under this Act, may, with the Consent of the Commissioners first obtained in Writing, upon Payment to them of a reasonable Sum of Money, to be agreed upon between them, at his own Expense, and under the Superintendence of the Surveyor of the Commissioners, cause to branch into and to communicate with any of the Sewers belonging to the Commissioners any Sewer or Drain in respect of the said Lands or Premises which may be lawfully made therefrom, of such Size and in such Manner and Form of Communication as the Commissioners approve of: Provided always, that nothing in this Act contained shall affect any Right theretofore acquired by such Owner or Occupier to use any of the Sewers or Drains belonging to the Commissioners.

Drains may be made to discharge below High-water Mark.

CXCV. If the Commissioners shall consider it necessary for Public Health that any Drain should discharge itself below High-water Mark, they shall be entitled, with the Consent of the Commissioners of Her Majesty's Woods and Forests, to construct the requisite Works for that Purpose in the Way and under the Regulations provided in regard to Works authorized by this Act.

Power to borrow Money for the Construction of Sewers.

CXCVI. It shall be lawful for the Commissioners to borrow for the Purpose of making, enlarging, reconstructing, and maintaining Sewers, and on the Security of the said Special Sewer Rates and General Sewer Rates, such Sums of Money, and at such Times, as the Commissioners shall deem necessary for that Purpose, and to assign the said Special Sewer Rates and General Sewer Rates in Security of the Money to be so borrowed; and the Provisions of this Act with respect to the borrowing of Money and the granting of Bonds therefor, and the Transference and recording of such Bonds, shall be applicable to the borrowing of Money for the Purpose of making, enlarging, reconstructing, and maintaining Sewers; and the Bonds to be granted for the Money so to be borrowed shall, *mutatis mutandis*, be in the Form, as near as may be, set forth in this Act, for Bonds to be granted for Money borrowed under the general Powers of this Act, and shall constitute a Lien over the Special Sewer Rates and General

General Sewer Rates thereby assigned, and shall entitle the Creditors therein to recover the Sums thereby due from the Commissioners and their Officers out of the first and readiest of the said Special and General Sewer Rates.

Application of Money borrowed for constructing Sewers.

CXCVII. The Money so borrowed shall be applied wholly in defraying the Expense of making, enlarging, reconstructing, and maintaining Sewers, and to no other Purpose whatsoever; and the Special and General Sewer Rates shall not be liable for nor be assigned in security of the Payment of any Sums borrowed by the Commissioners for any other Purpose than the making, Enlargement, Reconstruction, or Maintenance of Sewers.

Persons aggrieved by making, &c. Sewers may appeal to the Sheriff.

CXCVIII. Provided always, That it shall not be lawful to the Commissioners to authorize the Construction of any Sewer the Sewage from which will be discharged into any River or Stream from which Water is taken for domestic Purposes so as to injure or affect such Supply; and as regards the making, altering, and maintaining Sewers, and the discharging thereof into any River or Stream, it shall be lawful for any Person whose Property may be taken or affected, or who may think himself thereby aggrieved, to appeal thereon to the Sheriff in manner after provided.

PART IV.

SECTION VIII.—*Drainage of Houses.*

Commissioners empowered to construct Drains from Houses, charging Owners, &c. with the Expense.

CXCIX. If any House or Building within the Burgh be at any Time not drained by a sufficient Drain or Pipe communicating with some Sewer or with the Sea, to the Satisfaction of the Commissioners, and if there shall be such Means of Drainage within One hundred Yards of any Part of such House or Building, the Commissioners shall construct or lay from such House or Building a covered Branch Drain or Pipe of such Materials, of such Size, at such Level, and with such Fall as they think necessary for the Drainage of such House or Building, its Areas, Waterclosets, and Offices; and the Expense thereof shall be recoverable from the Owner of such House or Building, over and above any Sum that may be charged for the Use of the Sewers as above provided for.

No House to be hereafter built without Drains being constructed.

CC. No House or Building within the Burgh shall be built upon a lower Level than will allow of the Drainage of the Wash and Refuse of such House or Building into some Sewer belonging to the Commissioners, either then existing or marked out upon the Map herein-after directed to be made by them; and if there be such Means of Drainage existing within One hundred Yards of such intended House or Building, the Commissioners shall cause a Branch Drain leading thereunto from the

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the intended Site of such House to be made, of such Materials, of such Size, at such Level, and with such Fall as they think fit; or if there be no such Means of Drainage within One hundred Yards of any Part of the said intended Site of such House or Building, then such Drain shall be made so as to lead into such covered Cesspool or other Place as the Commissioners direct, not being under any Dwelling House, and constructed and kept in complete Repair to the Satisfaction of the Commissioners, so as effectually to prevent any Leakage or Effluvium therefrom until such Sewer as aforesaid is made by the Commissioners, when they shall make a Drain to communicate with such new-made Sewer, and shall demolish and fill up any such Cesspool.

Where Houses are built, the Level shall be sufficient to allow a Drain to be constructed.

CCI. Whenever any House is rebuilt within the Burgh, the Level of the Cellar or other lowest Floor of such House shall be raised sufficiently to allow of the Construction of such Drain as is herein-before provided in the Case of Houses to be built after the Adoption of this Act; and whenever any House is taken down to or below the Roof of the Floor commonly called the Ground or Street Floor, for the Purpose of being built up again, such building shall be deemed a rebuilding within the Meaning of this Act.

Notice of Buildings and Rebuildings to be given to the Commissioners.

CCII. Before beginning to build any new House, or to rebuild any existing House within the Burgh, the Person intending to build or rebuild such House shall give to the Commissioners Notice thereof in Writing, and shall accompany such Notice with a Plan showing the Level at which the Foundation of such House is proposed to be laid by Reference to some Level ascertained under the Direction of the Commissioners.

Commissioners may signify Disapproval within Fourteen Days.

CCIII. Within Fourteen Days after receiving such Notice, the Commissioners may signify their Disapproval of the Level at which it is proposed to lay the Foundation of any such House, and in case of such Disapproval may, within the said Fourteen Days, fix the Level at which the same is to be laid, but subject to Appeal to the Sheriff, if such Appeal shall be entered within Two Weeks from the Date of the Intimation of such Disapproval; and the Decision of the Sheriff, if such Appeal be taken, or the Deliverance of the Commissioners, if not appealed to the Sheriff, shall be final.

Commissioners may cause Houses built without Notice, or contrary to Provisions of this Act, to be altered.

CCIV. In default of sending such Notice and Plan, or if such Building be begun or made at any Level different from that fixed by the Commissioners, within the said Fourteen Days, or determined on Appeal, as after provided, or in any other respect is contrary to the Provisions of this Act, the Commissioners may, if necessary, cause such Building to be altered or demolished, as the Case requires, and the Expense incurred

incurred by the Commissioners in respect thereof shall be repaid to them by the Person failing to comply with the Provision aforesaid.

If Commissioners fail to signify their Approval, &c. within Fourteen Days, Parties may proceed without.

CCV. If the Commissioners fail to signify in Writing their Approval or Disapproval of the Level shown on such Plan as aforesaid within Fourteen Days after receiving such Notice and Plan as aforesaid, the Person giving such Notice may, notwithstanding anything herein contained, proceed to build or rebuild the House therein referred to according to the Level shown on such Plan, provided that such building or rebuilding be otherwise in accordance with the Provisions of this Act.

Drains and Cesspools to be kept in good Order by Owners.

CCVI. All Branch Drains, as well within as without the Premises to which they belong, and all Cesspools or Reservoirs within the Burgh, shall be under the Survey and Control of the Commissioners, and shall be altered, repaired, and kept in proper Order at the Cost and Charges of the Owners of the Premises to which the same belong, or for the Use of which they are constructed or continued; and if the Owner of any Premises to which any such Drain or Cesspool or Reservoir belongs neglect, during Seven Days after Notice in Writing for that Purpose, to alter, repair, and to put the same into good Order in the Manner required by the Commissioners, the Commissioners may, at the Expense of such Owner, cause such Drain or Cesspool or Reservoir to be altered, repaired, covered, and put in good Order.

If Owners neglect, Commissioners may cause the same to be done, and Charge the Owners with the Expense.

As to the Inspection of Drains and Cesspools.

CCVII. The Surveyor of the Commissioners may inspect any Drain or Cesspool or Reservoir within the Burgh, and for that Purpose, at all reasonable Times in the Daytime, after Twenty-four Hours Notice in Writing to the Occupier of the Premises to which such Drain or Cesspool or Reservoir is attached, may enter upon any Premises, with such Assistants or Workmen as are necessary, and cause the Ground to be opened where he thinks fit, doing as little Damage as may be; and if such Drain or Cesspool or Reservoir be found to be in proper Order and Condition, he shall cause the Ground to be closed and made good as soon as may be; and the Expense of opening, closing, and making good such Drain or Cesspool or Reservoir shall in that Case be defrayed by the Commissioners.

Penalty on Persons making or altering Drains, &c. contrary to the Orders of the Commissioners.

CCVIII. If such Drain or Cesspool or Reservoir be on Inspection found to have been constructed, after the Adoption of this Act, contrary to the Directions and Regulations of the Commissioners, or contrary to the Provisions of this Act, or if any Person, without the Consent of the Commissioners, construct, rebuild, or unstop any Drain or Cesspool or Reservoir

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voir which has been ordered by them to be demolished or stopped up or not to be made, every Person so doing shall be liable to a Penalty not exceeding Five Pounds; and the Commissioners may cause such Amendment or Alteration to be made in any such Drain or Cesspool or Reservoir as they think fit.

Parties aggrieved may appeal to the Sheriff.

CCIX. As regards House or Branch Drains, and the building or rebuilding any House, it shall be lawful for any Person whose Property may be thereby taken or affected, and thinking himself thereby aggrieved, to appeal thereon to the Sheriff in manner after provided.

PART IV.

SECTION IX.—*Soil Pipes and Water-closets.*

Water and Water-closets.

CCX. Within One Month next after Notice given by the Commissioners in Writing for that Purpose, the Owner of every House or Part of a House occupied by a separate Family into which Water has not been already introduced shall introduce Water into every such House or Part of a House within the Burgh, by means of a Pipe not less than Half an Inch Bore, fitted with a Crane opening upon the Sink and Soil Pipe after mentioned, and shall fit up, in some Window, Recess, or other well-lighted and ventilated Place, a Sink, to be connected with a Soil Pipe, duly trapped, leading into the nearest Drain, sufficient to carry off the whole foul Water; and after a like Notice every such Owner shall also provide for such House or Part of a House occupied by a separate Family, wherever practicable, a sufficient Water-closet; and the said Sinks, Soil Pipes, and Water-closets shall be properly applied, trapped, and ventilated, and these, and the Water Pipes, fitted up in a most complete Manner, and so as to prevent any Leakage or Effluvium therefrom, shall be kept in complete Repair, to the Satisfaction of the Commissioners: Provided always, that if, in the Opinion of the Commissioners, it is not advisable to introduce Water-closets into each House or Part of a House, they, after a like Notice, may require the Owners of a Tenement to construct on each Flat, or in some convenient Place or Places adjacent to such Tenement, a sufficient Number of Water-closets for the separate Use of each Sex of the Inmates and Occupiers of the said Tenements: Provided always, that this Enactment shall not be enforced by the Commissioners where, from Water not having been laid under sufficient Pressure, or from Drains being still unmade, or from any other Cause, such Works shall be impracticable.

CCXI. If

Certain Water-closets to be constructed in Factories, &c.

CCXI. If at any Time it shall appear to the Commissioners, upon the Report of the Surveyor, that any House is used or intended to be used as a School or Factory, or Building in which Persons of both, or either of the Sexes, and above Ten in Number, are employed or intended to be employed at One Time in any Manufacture, Trade, or Business, the Commissioners may, if they shall think fit, by Notice in Writing to the Owner or Occupier of such House, require them or either of them, within a Time to be specified in such Notice, to construct a sufficient Number of Water-closets or Privies for the separate Use of each Sex; and any Person refusing or neglecting to comply with any such Notice shall be liable for each Default to a Penalty not exceeding Twenty Pounds, and a further Penalty not exceeding Forty Shillings for every Day during which the Default is continued.

Owners of Flats of Houses to have a Supply Pipe from Water Pipe.

CCXII. It shall be lawful for the Owners of any One or more Floors or Stories of any House or other Building within the Burgh to have a Supply Pipe from any Water Pipe in the Street brought up the common Staircase, or along the Back or Side Wall of the Tenement on the Outside, and either passing underground through the sunken Story or lowest Flat, or, where practicable, through any common Entry; provided always, that Authority shall be first obtained from the Magistrates, which may be granted summarily, on hearing the Parties concerned, without written Pleading, to lay and put up such Pipe; and the Expense of laying and putting up, and of keeping the same in repair, and the Damage thereby occasioned to the Street and otherwise, shall be defrayed by the Person using the same; and no Person shall have Power to join the Supply Pipe to any Main Pipe without the Sanction of the Magistrates or any One of them so obtained, and of any Water Company who may supply such Water.

Soil Pipes may be carried through the different Houses.

CCXIII. Where there are Two or more Houses in any Tenement, the Owner and Occupier of each House shall permit Soil Pipes, if necessary, to be carried through the same; and the Owner and Occupier of the lowest Story shall permit such Soil Pipes, if necessary, to be carried through and under the same; and all such Owners and Occupiers shall at all reasonable Times afford Access to all such Houses for the Construction of the Works, and for making all Repairs necessary thereon, without any Claim for Compensation: Provided always, that the Works shall be so executed as to occasion the least Inconvenience to any such Owner and Occupier, and that any Injury done to such Houses in the Execution of the Works shall be forthwith repaired, and that the Authority of the Magistrates shall first be obtained, in the Manner hereinbefore

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before provided with respect to Supply Pipes from Water Pipes.

Penalty for introducing Ashes into Soil Pipes.

CCXIV. The Occupier of any House or other Place into the Cesspool or Soil Pipe of which any Ashes or other Matter calculated to choke the same shall be introduced or allowed to enter shall be liable in a Penalty not exceeding Forty Shillings, besides, where Damage has been caused by such Offence, being liable to repair such Damage.

Owners of Flats of Houses may erect Waste Pipes to communicate with Drains.

CCXV. In all Streets, and other Places within the Burgh, where Common Sewers are or may be constructed, it shall be lawful for any Owner of One or more Floors or Stories of any House or other Building divided into separate Floors or Stories (on obtaining Authority for the Purpose from the Magistrates summarily, after visiting the Premises, or on the Report and Recommendation of the Surveyor, or of such other Person skilled in Building as any of the Magistrates may appoint, and on hearing the Parties interested,) to erect a Waste or Foul-water Pipe or Soil Pipe in or upon the common Staircase, or along the Back or Side Wall of the Tenement on the Outside, to communicate with any Drain underground leading into the Common Sewer, where there is such Drain, and with Power to make such Drain if none such already exist: Provided always, that the Sanction of the Commissioners shall be obtained before connecting such Drain with any Common Sewer in the Street; and the Expense and Damage occasioned by erecting and constructing such Pipe, Drain, and Communication, with the Expense of restoring the Street, so far as interfered with, and the Expense of keeping such Drain and Communication clean and in good Repair, with such reasonable Allowance for the Use of the Common Sewer in the Street as the Commissioners may fix, shall be defrayed by the Owners of the Floors or Flats making use thereof, in proportion to their respective Rents or annual Value, as the same may be ascertained from the Police Assessment Books or otherwise; and in case of Dispute among the Parties or any of them relative to their Proportion of such Expense, the same shall be determined by the Magistrates, or any One of them, in a summary Manner, and such Decision shall be final.

PART IV.

SECTION X.—*Supply of Water.*

Power to Commissioners to construct

CCXVI. The Commissioners shall cause all existing public Cisterns, Pumps, Wells, Conduits, Fountains, and other Waterworks used for the gratuitous Supply of Water to the Inhabitants

tants within the Burgh to be continued, maintained, and supplied with Water, or they shall substitute other such Works equally convenient, and shall cause them to be maintained and supplied with Water; and such public Cisterns and other Works shall be vested in the Commissioners, and be under their Management and Control; and the Commissioners may construct and maintain any Number of new Cisterns, Pumps, Conduits, Fountains, and other Waterworks for the gratuitous Use of any Persons who choose to carry the same away, not for Sale, but for their own private Use, and may supply with Water any public Baths or Wash-houses.

public Cisterns and Pumps for Supply of Water to Baths and Wash-houses.

CCXVII. The Commissioners may contract, for any Period not exceeding Three Years at One Time, with the Owners of any Waterworks, or any other Person, for such Supply of Water as the Commissioners shall think necessary for the Purposes of this Act.

Commissioners may contract for Supply of Water.

CCXVIII. If the Commissioners, and the Owners of any Waterworks authorized by Act of Parliament to supply Water within the Burgh, with whom the Commissioners may be desirous of contracting, do not agree as to the Terms and Conditions of the Supply and the Price to be paid for such Supply, then such Terms and Conditions and Price (except where by the Act authorizing such Waterworks some other Mode of determining such Terms and Conditions and Price shall be provided) shall be settled by Arbitration, and for that Purpose the Clauses of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Settlement of Disputes by Arbitration, shall be incorporated with this Act.

For ascertaining Price to be paid for Water in case of Dispute.

CCXIX. It shall be lawful for the Commissioners, at the Sight of the Engineer of any Water Company established or to be established for supplying Water within the Burgh, or any Company actually supplying Water within the Burgh, to place proper Fire Cocks upon the Pipes belonging to any such Company within the Burgh, at such convenient Distances from each other and at such Places as may be considered proper for the Supply of the Fire Engines when brought into operation, the Positions of such Fire Cocks being first arranged by the Commissioners with the Directors of such Water Company; and in case of Difference of Opinion between them the same shall be determined by the Sheriff of the County, whose Judgment thereon shall be final, and not subject to Review.

Fire Cocks may be placed on Pipes of Water Companies.

CCXX. The Commissioners may provide the Burgh with such a Supply of Water as may be proper and sufficient for the Purposes of this Act, and for maintaining such a constant Flow of Water, by means of a Reservoir or Reservoirs or otherwise,

Commissioners may provide sufficient Supplies of

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Water, and may erect Waterworks, &c.

otherwise, along any natural River-Bed or Watercourse within the Burgh, as may be requisite to carry away the Sewage and Drainage discharged into the same, and for private Use to the Extent required by this Act; and for those Purposes, or any of them, the Commissioners may, from Time to Time, contract with any Person whomsoever, or purchase, take upon Lease, hire, construct, lay down, and maintain such Reservoirs and Waterworks, and do and execute all such Works, Matters, and Things as shall be necessary and proper, including the opening of Streets, public or private, from Time to Time for the Purpose of laying down, altering, or repairing Water Pipes therein; and any Waterworks Company or Owners or Lessees of Reservoirs may contract with the Commissioners to supply Water for the Purposes of this Act in any Manner whatsoever, or may sell and dispose of or lease their Reservoirs and Waterworks to the Commissioners; and

In case of Waterworks constructed by Commissioners, the Water may be kept constantly under Pressure.

the Commissioners may provide and keep in any Waterworks constructed or laid down by them under the Powers of this Act a Supply of pure and wholesome Water, and the Water so supplied may be constantly laid on at such Pressure as will carry the same to the Top Storey of the highest Dwelling House within the Burgh; and the Commissioners, by means of such Reservoirs and Waterworks, or either of them, may maintain such a constant Flow of Water along any natural River-Bed or Watercourse within the Burgh as may be requisite for the Health of the Inhabitants of the Burgh, and to carry away the Sewage and Drainage discharged into the River: Provided always, that before constructing or laying down any Waterworks under the Powers of this Act within any Limits within, for, or in respect of which any Waterworks Company shall have been established for supplying Water, the Commissioners shall give Notice in Writing to every Waterworks Company within whose Limits the Commissioners may be desirous of laying on or supplying Water, stating the Purposes for and (as far as may be practicable) the Extent to which Water is required by the Commissioners; and it shall not be lawful for the Commissioners to construct or lay down any Waterworks within such Limits, if and so long as any such Company shall be able and willing to lay on Water proper and sufficient for all reasonable Purposes for which it is required by the Commissioners; and in Case any Difference shall arise as to whether the Water which any such Company is able and willing to supply or lay on is proper and sufficient for the Purposes for which it is required by the Commissioners, or whether the Purposes for which it is required are reasonable, the same shall be settled by the Sheriff,

Commissioners not to construct Waterworks, &c., if any Waterworks Company within the Burgh be able and willing to supply Water upon Terms.

upon

upon summary Application by either of the Parties, and the Decision of the Sheriff shall be final.

Service Pipes to be laid by Owners.

CCXXI. Where the Commissioners are able and willing to supply the Houses or Tenements within the Burgh with Water for domestic and ordinary Purposes, the Owners of such Houses and Tenements shall be entitled to obtain such Supply by connecting a Service Pipe with the Main Pipes to be laid down by the Commissioners, the Expense of such Service Pipes and of connecting the same with the Main Pipes being defrayed by such Owners; and where the Houses and Tenements generally in any Street, public or private, within the Burgh shall be supplied with Water by means of such Service Pipes, it shall be competent to the Commissioners to require the Owner of any Tenement in such Streets not so supplied to take a Supply of Water by connecting a Service Pipe with the Main Pipe as aforesaid; and in the event of Refusal or Delay on the Part of such Owner to comply with such Requisition, it shall be lawful for the Commissioners to enter such House or Premises, and proceed to lay down such Service Pipe themselves, and to recover the Expense thereof from such Owner.

Water to be used only for domestic and ordinary Purposes, unless by Agreement with the Commissioners.

CCXXII. No Person within the Burgh shall be entitled, without special Agreement with the Commissioners, to use the Water supplied through the Pipes of the Commissioners, except for domestic and ordinary Purposes; but where there is a Supply of Water more than is required for such domestic and ordinary Purposes within the Burgh, it shall be lawful for the Commissioners to contract with any Person or Persons within the Burgh to supply any public Baths and Washhouses, Works, Manufactories, or other Premises within the Burgh with Water, at such Rate and upon such Terms and Conditions as may be agreed on, or, in the event of Disagreement, either as to the Ability of the Commissioners to give the Supply, or as to the Rate, Terms, or Conditions on or in respect of which the Supply is to be given, the same shall be fixed by the Sheriff, upon summary Application by either of the Parties, and the Decision of the Sheriff shall be final.

Penalty for injuring Waterworks, diverting Streams, or wasting Water.

CCXXIII. Whosoever shall wilfully or carelessly break, injure, or open any Lock, Cock, Waste Pipe, or Waterworks belonging to or under the Management or Control of the Commissioners, or shall unlawfully flush, draw off, divert, or take Water from any Waterworks belonging to or under the Management or Control of the Commissioners, or from any Waters or Streams by which such Waterworks are supplied, or shall wilfully or negligently waste or cause to be wasted any Water with

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with which he is supplied by the Commissioners, shall for every such Offence incur a Penalty not exceeding Five Pounds, and a further Penalty of Twenty Shillings for each Day whilst the Offence is continued after written Notice in that Behalf, which Penalties shall be paid to the Commissioners: Provided always, that nothing herein contained shall prevent the Owner or Occupier of any Premises through or by which any Streams may flow from using the same as they would have been entitled to do if this Act had not been passed.

Penalties on Persons for causing Water in Reservoirs to be fouled;

CCXXIV. Whosoever shall bathe in any Stream, Reservoir, Conduit, Aqueduct, or other Waterworks belonging to or under the Management or Control of the Commissioners, or shall wash, cleanse, throw, or cause to enter therein any Animal, Rubbish, Filth, Stuff, or Thing of any Kind whatsoever, or shall cause or permit or suffer to run or be brought therein the Water of any Sink, Sewer, Drain, Engine, or Boiler, or other filthy, unwholesome, or improper Water, or shall do anything whatsoever whereby any Water belonging to the Commissioners, or under their Management or Control, shall be fouled, shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Sum of Twenty Shillings for each Day whilst the Offence is continued, after written Notice in that Behalf; which Penalties shall be paid to the Commissioners; and whosoever, being Proprietor of any Gasworks, or being engaged or employed in the Manufacture or Supply of Gas, causes or suffers to be brought or to flow into any Stream, Reservoir, Conduit, Aqueduct, or Waterworks belonging to or under the Management or Control of the Commissioners, or into any Drain or Pipe communicating therewith, any Washing or other Substance produced in the Manufacture or Supply of Gas, or shall wilfully do any Act connected with the Manufacture of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, or Waterworks is fouled, shall forfeit to the Commissioners for every such Offence the Sum of Two hundred Pounds, and, after the Expiration of Twenty-four Hours Notice in Writing from them in this Behalf, a further Sum of Twenty Pounds for every Day during which the Offence is continued, or during the Continuance of the Act whereby the Water is fouled, and every such Penalty shall be recoverable, along with the Expense of recovering the same, by an ordinary Action at their Instance; and if any Water supplied by or belonging to or under the Management or Control of the Commissioners be fouled in any Manner by the Gas of any such Proprietor or Person as last aforesaid, he shall forfeit to the Commissioners for every such Offence a Sum not exceeding Twenty Pounds, and a further Sum not exceeding Ten Pounds

and on Proprietors of Gasworks, &c.

for

for every Day whilst the Offence is continued after the Expiration of Twenty-four Hours Notice in Writing from the Commissioners in this Behalf; and for the Purpose of ascertaining whether such Water is fouled by the Gas of any such Proprietor or Person, the Commissioners may lay open and examine any Pipes, Conduits, and Works from which the Gas is supposed to escape; provided that before beginning so to do Twenty-four Hours Notice in Writing be given to the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, of the Time at which the Examination is intended to be made; and if upon such Examination it appear that the Water has been fouled by the Gas proceeding from or contained in the Pipes, Conduits, or Works examined, the Expenses of the Examination shall be paid and borne by the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, and be recoverable from him in the same Manner as any Debt may be recovered by the Law of *Scotland;* but if it appear that the Water has not been so fouled, then such Expenses, and all Damages occasioned by the Examination, shall be paid by the Commissioners out of the Police Assessment levied under this Act, and be recoverable from them as any Debt may be recovered by the Law of *Scotland.*

Supply of Water for domestic Purposes.

CCXXV. A Supply of Water for domestic and ordinary Purposes shall not include a Supply of Water for Cattle or for Horses, or for washing Carriages, where the Horses and Carriages are kept for Hire, or are the Property of a Dealer, or for Steam Engines, or for Railway Purposes, or for warming or ventilating Purposes in Public Buildings, or for working any Machine or Apparatus, or for any Trade, Manufacture, or Business whatsoever, or for watering Gardens by means of any Tap, Tube, Pipe, or other such like Apparatus, or for Fountains, or for flushing Sewers or Drains, or for Public Baths or Wash-houses, or for any ornamental Purpose whatever.

Certain Provisions of "The Waterworks Clauses Act" incorporated with this Act.

CCXXVI. With respect to the Supply of Water within Burgh, all the Clauses and Provisions of "The Waterworks Clauses Act, 1847," with respect to the following Matters; (that is to say,)

With respect to the Construction of the Act, and any Act incorporated therewith:

With respect to the Construction of the Waterworks:

With respect to the Communication Pipes to be laid by the Inhabitants:

With respect to Waste or Misuse of the Water supplied by the Undertakers:

With

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With respect to the Provisions for guarding against fouling the Water of the Undertakers:

With respect to the Payment and Recovery of the Water Rates:

And with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices or to the Sheriff:

Shall, so far as the same are not varied by the Provisions of this Act, be incorporated with this Act; and the Expression "the Undertakers" in the said Waterworks Clauses Act shall, in reference to this Act, mean the Commissioners under this Act: Provided always, that the Water to be supplied by the Commissioners need not be constantly laid on under Pressure.

Commissioners may make Byelaws in reference to Water.

CCXXVII. It shall be lawful for the Commissioners to make Byelaws regulating all or any Matters and Things whatsoever connected with the Water to be supplied within the Burgh through their Pipes.

PART IV.

SECTION XI.—*Surveys and Plans.*

Commissioners to procure a Map of the Burgh, which is to be open to Inspection.

CCXXVIII. The Commissioners shall procure as hereinafter provided a Survey and Map or Maps of the Burgh on a Scale of not less than Sixty Inches to a Mile, and shall cause to be marked thereon the Course of all the existing Sewers and Drains belonging to them or under their Care or Management, and, as far as can be ascertained, the Lines of Pipes or Conduits for the Collection and Distribution of Water, the Course of the Pipes for the Distribution of Gas, and such other Works, with such other Particulars as may be necessary in order to show the underground Works within the Burgh, and shall cause the said Map to be from Time to Time corrected, and such Additions to be made thereto as may show the Sewers and Drains for the Time being belonging to the Commissioners, and such other Pipes and underground Works as aforesaid; and such Map and Plan, or a Copy thereof, with the Date expressed thereon of the last Time when it was so corrected, shall be kept in the Office of the Commissioners, and shall be open at all seasonable Hours to the Inspection of the Owners or Occupiers of any Lands or Premises within the Burgh.

Officers of Ordnance to furnish Commissioners

CCXXIX. The Principal Officers of Her Majesty's Ordnance shall, on the Application of the Commissioners, and at their Expense, furnish, for the Use of the Commissioners, One or more Copies of any Map of the Burgh or any Part thereof

thereof which shall have been made under the Direction of the said Ordnance Officers, or shall cause a Survey to be made of the Burgh on a Scale of not less than Sixty Inches to the Mile, by Surveying Officers appointed by them, for such Remuneration as shall previously be agreed upon between the said Principal Officers and the Commissioners. with Maps, or cause Surveys to be made.

CCXXX. The Commissioners shall cause to be marked on the Map so procured by them a series of Marks and Figures at convenient Distances on the said Map, denoting the Height of the Ground at every such Mark above or below the Level of a particular Spot within the Burgh, which may be easily found and identified, the Position of which Spot shall be described on the Map, and shall also cause to be drawn, wherever practicable, Lines of equal Altitude at every Four Feet of Elevation, or at such other Intervals as may appear upon due Inquiry to be the best adapted for the Guidance of Works of Sewerage and Drainage, for the Collection and Distribution of Water, and for other Purposes within the Burgh, for which a Knowledge of the Levels of the Burgh may be necessary, and shall also cause proper Bench Marks for denoting the Levels to be inscribed and marked at convenient Distances and Places, at the Corner of Streets, public or private, on Posts, Houses, or other prominent Objects within the Burgh. Level Lines to be marked on Map, and Bench Marks to be made for denoting the same.

CCXXXI. The Commissioners may cause every such Plan to be copied, engraved, or printed, and coloured, in such Manner as appears to them most convenient, and may defray the Costs of any Surveys and Maps made as aforesaid, and any Costs incurred by them in regard to any such Map, out of the Police Assessment. Commissioners may cause Maps to be engraved, &c., and pay Expenses out of Assessments.

CCXXXII. The Commissioners shall cause their Surveyor to prepare Plans of any new Works, and Additions to or Alterations of existing Works, that may be required for the effectual Drainage of Lands or Premises within the Burgh, including Provision for properly trapped Drains or Channels for the Removal of all waste Water and Refuse from such Lands or Premises and from the Surface of such Streets, and also to draw on such Plans the Lines that appear to him most advantageous for Main Sewers, and the best Outfalls for clearing the whole Burgh of Surface Moisture, and effecting the Drainage of the Subsoil, and to point out the most appropriate Means and Sites for the Collection and Sale of Filth and Refuse for Agricultural or other Purposes, and also to set forth any other Matters which may assist the Commissioners in carrying into execution, in an economical and effective Manner, the several Works required to be carried into execution Commissioners to cause Plans to be prepared of new Works or Alterations of existing Works.

cution under the Provisions of this Act, or which appear to be necessary for the Health and Convenience of the Inhabitants of the Burgh.

PART V.

GENERAL POLICE REGULATIONS.

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SECTION I.—*Precautions during Repairs, and old and ruinous Tenements.*

Bars to be erected across Streets while Repairs or Alterations are making, and Lights placed at Night.

CCXXXIII. The Commissioners shall, during the Construction or Repair of any Streets, public or private, and during the Construction or Repair of any Buildings, Sewers, or Drains, take proper Precaution for guarding against Accident, by shoring-up and protecting the adjoining Houses, and may stop any such Street, and prevent the same being used as a common Passage or Thoroughfare, while such Works are carried on, as to them shall seem proper; and the Commissioners shall cause any Sewer or Drain or other Works, during the Construction or Repair thereof, to be lighted and guarded during the Night, so as to prevent Accidents; and every Person who uses such Streets while so stopped as a common Passage or Thoroughfare, or extinguishes any Light, without the Authority or Consent of the Commissioners, shall for every such Offence be liable to any Penalty not exceeding Five Pounds.

Hoards to be set up during Repairs.

CCXXXIV. Every Person intending to build or take down any Building within the Burgh, or to cause the same to be so done, or to alter or repair the outward Part of any such Building, or to cause the same to be so done, where any public or private Street or Footway may be obstructed or rendered inconvenient by means of such Work, shall obtain Authority from the Commissioners to put up, and such Authority being obtained shall put up, Hoards or Fences to the Satisfaction of the Surveyor, in order to separate the Building where such Works are being carried on from such Street, with a convenient Platform and Handrail, if there be Room enough, to serve as a Footway for Passengers outside of such Hoard or Fence, and shall continue such Hoard or Fence, with such Platform and Handrail as aforesaid, standing and in good Condition to the Satisfaction of the Commissioners during such Time as the Surveyor shall fix and the Public Safety or Convenience requires, and shall in all Cases in which it is necessary, in order to prevent Accidents, cause the same to be sufficiently lighted during the Night; and every such Person who puts up such Hoards or Fences without previously obtaining the Authority of

of the Commissioners so to do, or who fails to put up such Fence or Hoard, or Platform with such Handrail as aforesaid, or fails to continue the same respectively standing and in good Condition as aforesaid during the Time aforesaid, or who does not, while the said Hoard or Fence is standing, keep the same sufficiently lighted during the Night, or who does not remove the same, when directed by the Commissioners, within a Time specified for that Purpose, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and a further Penalty not exceeding Forty Shillings for every Day while such Default is continued.

Penalty for not lighting Deposits of Building Materials or Excavations.

CCXXXV. When any Building Materials, Rubbish, or other Things are laid, or any Hole made, in any such Streets, whether the same be done by Order of the Commissioners or not, the Person causing such Materials or other Things to be so laid, or such Hole to be made, shall at his own Expense cause a sufficient Light to be fixed in a proper Place upon or near the same, and continue such Light every Night from Sunsetting to Sunrising while such Materials or Hole remain; and such Person shall, at his own Expense, cause such Materials or other Things and such Hole to be sufficiently fenced and enclosed until such Materials or other Things are removed, or the Hole filled up or otherwise made secure; and every such Person who fails so to light, fence, or enclose such Materials or other Things, or such Hole, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and a further Penalty not exceeding Forty Shillings for every Day while such Default is continued.

Penalty for continuing Deposits of Building Materials or Excavations an unreasonable Time.

CCXXXVI. In no Case shall any such Building Materials or other Things, or such Hole, be allowed to remain longer than may be fixed by the Surveyor, under a Penalty not exceeding Five Pounds, to be paid for every such Offence by the Person who causes such Materials or other Things to be laid, or such Hole to be made, and a further Penalty not exceeding Forty Shillings for every Day during which such Offence is continued after the Conviction for such Offence.

Dangerous Places to be repaired or enclosed.

CCXXXVII. If any Building or Hole or any other Place near any public or private Street be, for Want of sufficient Repair, Protection, or Enclosure, dangerous to the Passengers along such Streets, the Commissioners shall cause the same to be repaired, protected, or enclosed so as to prevent Danger therefrom.

Ruinous or dangerous Buildings to be taken down or

CCXXXVIII. If any Building or Wall, or anything affixed thereon, within the Burgh, be deemed by the Surveyor of the Commissioners to be in a ruinous State, and dangerous to Passengers or to the Occupiers thereof or of the neighbouring

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secured by Owners, &c.

neighbouring Buildings, such Surveyor shall immediately cause such Occupiers endangered thereby to remove from the Occupancy of such Buildings until the same are put into a safe Condition, and shall cause a proper Hoard or Fence, or Props, to be put up for the Protection of Passengers, and shall also cause, if he shall judge necessary, the neighbouring Buildings to be properly shored up, and shall cause Notice in Writing to be given to the Owner of such Building or Wall, if he be known and resident within the Burgh, and shall also cause such Notice to be put on the Door of such Building or on such Wall, or on a conspicuous Part thereof, or otherwise to be given to the Occupier thereof, if any, requiring such Owner forthwith to take down, secure, or repair such Building, Wall, or other Thing, or as the Case shall require; and if such Owner do not begin to repair, take down, or secure such Building, Wall, or other Thing within the Space of Three Days after any such Notice has been so given or put up as aforesaid, and complete such Repairs or taking down or securing as speedily as the Nature of the Case will admit, such Surveyor may make Complaint thereof to the Sheriff, and it shall be lawful for the Sheriff, after Inquiry, to order the Owner of such Building, Wall, or other Thing to take down, rebuild, repair, or otherwise secure, to the Satisfaction of such Surveyor, the same, or such Part thereof as appears to them to be in a dangerous State, within a Time to be fixed by the Sheriff; and in case the same be not taken down, repaired, rebuilt, or otherwise secured within the Time so limited, the Commissioners shall with all convenient Speed cause all or so much of such Building, Wall, or other Thing as shall be in a ruinous Condition and dangerous as aforesaid to be taken down, repaired, rebuilt, or otherwise secured in such Manner as shall be requisite; and all the Expenses of enforcing such Removal and of putting up every such Fence, and of shoring up such Buildings, and of taking down, repairing, rebuilding, or securing such Building, Wall, or other Thing, shall be paid by the Owner thereof.

If Owner, &c. neglect to repair, Commissioners may cause the same to be done, charging Owner, &c. with the Expenses.

The Expenses to be levied on the Owner.

CCXXXIX. If the Owner of such Building or Wall, or Thing affixed thereon, can be found within the Burgh, and if, on Demand of the Expenses aforesaid, he neglect or refuse to pay the same, the Sheriff shall, on a Certificate of such Demand and Neglect or Refusal, signed by the Clerk, grant Decree against such Owner for Payment thereof, on which Decree all legal Diligence may proceed, or the Commissioners may proceed against such Owner for the Recovery of the said Expenses in Terms of the general Provisions for Recovery of Expenses under this Act, or otherwise as accords of Law.

CCXL. If

CCXL. If such Owner cannot be found within the Burgh, or if such Expenses are not otherwise fully recovered, the Commissioners, after giving Twenty-eight Days Notice of their Intention to do so, by posting a printed or written Notice in a conspicuous Place on such Building or Wall, or on the Land whereon such Building or Wall stood, may take such Building or Land, provided that such Expenses be not paid or tendered to them within the said Twenty-eight Days, making Compensation to the Owner of such Building or Land in the Manner provided by "The Lands Clauses Consolidation (*Scotland*) Act, 1845," in the Case of Lands taken otherwise than with the Consent of the Owners and Occupiers thereof, and the Commissioners shall be entitled to deduct out of such Compensation the Amount of the Expenses aforesaid, and may thereupon sell or otherwise dispose of the said Building or Land for the Purposes of this Act.

If Owner cannot be found, Commissioners may take the House or Ground, making Compensation.

CCXLI. If any such House or Building as aforesaid, or any Part of the same, be pulled down by virtue of the Powers aforesaid, the Commissioners may sell the Materials thereof, or so much of the same as shall be pulled down, and apply the Proceeds of such Sale in Payment of the Expenses incurred in respect of such House or Building; and the Commissioners shall restore any Surplus arising from such Sale to the Owner of such House or Building, on Demand; nevertheless the Commissioners, although they sell such Materials for the Purposes aforesaid, shall have the same Remedies for compelling the Payment of so much of the said Expenses as may remain due after the Application of the Proceeds of such Sale as are herein-before given to them for compelling the Payment of the whole of the said Expenses.

Commissioners may sell the Materials, restoring to the Owner Overplus arising from the Sale.

CCXLII. If any Houses, Buildings, and other Tenements or Areas have become waste and ruinous within the Burgh, and have become Receptacles for Filth and other Nuisances, or unsafe and unfit for Use and Occupation, and which, being held by Two or more joint Owners, cannot be rebuilt or disposed of to Advantage without the Consent of all the Parties interested therein, and the same are allowed to continue in a waste and ruinous or unsafe State in consequence of the Parties being unable or unwilling or delaying to agree as to the Sale or rebuilding thereof, it shall be lawful to the Sheriff, upon the Application by Petition of the Procurator Fiscal of Court, or of the Commissioners, or their Surveyor, or of any Owner or Party interested in any such Houses, Buildings, or other Tenements, to call all Parties interested therein before the Sheriff, in the usual Manner and Form followed in his Court, and to order such Tenements or Areas to be valued

Ruinous Buildings belonging to Two or more Owners may be sold.

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valued by not less than Three Men of Skill, upon Oath, who shall distinguish the Portions of Tenement, and the corresponding Proportion of the apprized Value, which belong to the several Parties interested, and thereupon to give each Party the Option to buy and acquire from, or to sell and convey to the others, their respective Portions of or Interests in such Tenements, agreeably to such Valuation, or at such other Price as shall be agreed on amongst themselves, and that within a reasonable Time to be fixed by the Sheriff, not exceeding Six Weeks.

How Sale to be carried through.

CCXLIII. If any of the said Parties fail to take advantage of the said Option within the Time so fixed, or shall not be able to agree as to which shall be the Buyer and which the Seller, it shall be lawful to the said Sheriff to cause such Tenements to be exposed to Sale by public Auction at a Price not being less than the apprized Value, and in case of no offerers to reduce the upset Price from Time to Time, and to sell the same to the highest Bidder, under such Regulations, and upon such Conditions, and after such public Notice by Advertisement in the Newspapers, or otherwise, as the Sheriff shall appoint, and the Purchaser thereof shall be taken bound within Ten Days after the Sale, or within such Time as may be fixed by the Sheriff, to consign or deposit the whole Amount of the Purchase Money in any One of the Banks established by Act of Parliament or Royal Charter, upon a Receipt or Voucher, subject to the Orders of the Sheriff, otherwise the Sale to be void and null, and the Money so deposited shall remain at Interest for the Behoof of all Parties interested therein, under the sole Control and subject to the future Orders of the Sheriff.

Completion of Purchaser's Title.

CCXLIV. Upon such Deposit being so made, the Sheriff shall pronounce his Decree or Warrant declaring the Purchase duly completed, and authorizing immediate Possession of the Tenements so sold to be given to the Purchaser thereof; and such Warrant or Decree shall, upon being registered in the Register of Sasines in which the prior Titles of such Subjects may have been registered, be a valid and sufficient Title to such Purchaser, who shall thereafter be at full Liberty to exercise every lawful Right of Property therein, without being subject to Challenge by any Party whomsoever.

If Purchaser do not fulfil Conditions of Sale, may be re-sold.

CCXLV. In case the Purchaser at any such Sale as aforesaid shall fail to fulfil the Conditions thereof within the Time thereby prescribed, it shall be lawful to the Sheriff to cause the Tenements to be re-exposed and sold anew; and such Sale shall be proceeded in in every respect in like Manner as is herein-before provided in regard to the first Sale; and the Sheriff

Sheriff shall continue, in case of Failure as aforesaid, to cause the said Tenements to be re-exposed for Sale, until the same shall be sold, and the Price thereof consigned or deposited in Bank as aforesaid.

Application of Price.

CCXLVI. Upon the Completion of any such Sale, the Sheriff, on the Application of any of the Parties concerned, shall, upon such legal Evidence, by Writing, Witnesses, Oath of Party, or Report of skilled Persons, upon Oath or otherwise, as he may deem expedient, proceed to ascertain and determine the Extent and Value of the Share of each Party claiming Interest in the Tenements so sold, and to apportion and divide the Price obtained for the same, and deposited as aforesaid, and order Payment thereof to the several Parties accordingly, subject always to such Finding or Order in respect of Costs as the Sheriff may pronounce.

Ruinous Tenements may be sold.

CCXLVII. If any Houses, Buildings, or other Tenements or Areas within Burgh have become waste and ruinous, or have become Receptacles for Filth and other Nuisances, or unsafe and unfit for Use and Occupation, the Commissioners may, by a Notice addressed to the Owner if his Address shall be known, or if not known by a Notice affixed to a conspicuous Part of such Houses, Buildings, or other Tenements or Areas, require the same to be rebuilt or otherwise put into a State of Repair to their Satisfaction, within Three Months from the Date of such Notice; and in the event of such Requisition not being complied with the Commissioners may apply to the Sheriff for Warrant to sell such Houses, Buildings, or other Tenements, or Areas, and it shall be lawful to the Sheriff to order the same to be valued, and exposed for Sale by Public Auction, and to sell the same: Provided always, that such Sale shall be made and carried out, or Re-sale effected, the Price deposited and applied, and the Purchaser's Title completed, in the Way and Manner hereinbefore directed with reference to waste and ruinous Buildings or Tenements or Areas within Burgh, held by Two or more joint Owners.

PART V.

SECTION II.—*Nuisances and Obstructions in the Streets.*

Power to prevent Obstructions in the Streets during public Processions, &c.

CCXLVIII. The Magistrates or Commissioners may from Time to Time make Orders for the Route to be observed by all Carts, Carriages, Horses, and Persons, and for preventing Obstruction of the Streets of the Burgh, public or private, in all Times of Public Processions, Rejoicings, or Illuminations, and in any Case when such Streets are thronged or liable to be

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be obstructed, and may also give Directions to the Constables for keeping Order and preventing any Obstruction of such Streets in the Neighbourhood of Theatres and other Places of public Resort; and every wilful Breach of any such Order shall be deemed an Offence against this Act, and every Person committing any such Offence shall be liable to a Penalty not exceeding Forty Shillings.

Power to impound stray Cattle.

CCXLIX. If any Cattle be at any Time found at large in any such Street of the Burgh, without any Person having the Charge thereof, any Constable or Officer of Police, or any Person residing within the Burgh, may seize and impound such Cattle, and may detain the same until the Owner thereof pay to the Commissioners a Penalty not exceeding Forty Shillings, besides the reasonable expenses of impounding and keeping such Cattle.

Power to sell stray Cattle for Penalty and Expenses.

CCL. If the said Penalty and Expenses be not paid within Three Days after such impounding, the Person by whom such Cattle were seized and impounded as aforesaid, or other Person appointed by the Commissioners for that Purpose, may proceed to sell such Cattle or cause the same to be sold; but previous to such Sale Seven Days Notice thereof shall be given to or left at the Dwelling House or Place of Abode of the Owner of such Cattle, if he be known, or if not, then Notice of such intended Sale shall be given by Advertisement, to be inserted Seven Days before such Sale in some Newspaper published or circulated within the Burgh in which the Seizure was made; and the Money arising from such Sale, after deducting the said Sums, and the Expenses aforesaid, and all other Expenses attending the impounding, advertising, keeping, and Sale of any such Cattle so impounded, shall be paid to the Commissioners, and shall be by them paid, on Demand, to the Owner of the Cattle so sold.

Penalty on Persons committing any of the Offences herein named.

CCLI. Every Person who in any "Street" or "Private Street" to the Obstruction, Annoyance, or Danger of the Residents or Passengers commits any of the following Offences shall, on Conviction on the Evidence of One or more credible Witnesses, be liable to a Penalty not exceeding Forty Shillings for each Offence, or, in the Discretion of the Magistrate before whom he is convicted, may, without a Penalty being inflicted, be committed to Prison, there to remain for a Period not exceeding Fourteen Days, or in the Case of Persons below the Age of Fourteen the Magistrate shall deal with such Offences by a Fine not exceeding Five Shillings, and recoverable from the Parents or Guardians of such Offenders, or by Detention in any Place not being a legal Prison or Lock-up for any Period not exceeding Ten Hours; and any Constable

or

or other Officer appointed by virtue of this Act shall take into Custody without Warrant, and forthwith convey before a Magistrate, any Person who within his View commits any such Offence; (that is to say,)

Every Person who exposes for Show, Hire, or Sale (except in a Market or Market Place or Fair lawfully appointed for that Purpose) any Horse or other Animal; or exhibits in a Caravan or otherwise any Show or public Entertainment; or shoes, bleeds, or farries any Horse or Animal (except in Cases of Accident); or cleans, dresses, exercises, trains, or breaks or turns loose any Horse or Animal; or makes or repairs any Part of any Cart or Carriage (except in Cases of Accident where Repair on the Spot is necessary):

Every Person who allows any Bull or other dangerous Animal to be in any such Street without being secured by means of a Rope attached to a Ring through the Nose of such Animal, or otherwise:

Every Person who suffers to be at large any unmuzzled ferocious Dog, or sets on or urges any Dog or other Animal to attack, worry, or put in fear any Person or Animal:

Every Owner of any Dog who suffers such Dog to go at large, knowing or having reasonable Grounds for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State:

Every Person who, after public Notice given by any Sheriff or Magistrate directing Dogs to be confined on account of Suspicion of Canine Madness, suffers any Dog to be at large during the Time specified in such Notice:

Every Person who slaughters or dresses any Cattle or any Part thereof, except in the Case of any Cattle over-driven which may have met with any Accident, and which for the Public Safety or other reasonable Cause ought to be killed on the Spot:

Every Person having the Care of any Waggon, Cart, or Carriage who rides on the Shafts thereof, or otherwise than on the Forepart of such Waggon, Cart, or Carriage, and in such a Position as readily to see immediately before and on either Side thereof; or who, without having Reins with a Bit attached thereto, and in the Mouth of the Animal drawing the same, and holding such Reins, rides upon such Waggon, Cart, or Carriage, or any Animal drawing the same; or who is at such a Distance from such Waggon, Cart, or Carriage, or in such a Position therein, as not to have due Control over every Animal

Animal drawing the same; or who does not, in meeting any other Carriage, keep his Waggon, Cart, or Carriage to the Left or Near Side, or who in passing any other Carriage does not keep his Waggon, Cart, or Carriage on the Right or Off Side of the Road (except in Cases of actual Necessity, or some sufficient Reason for Deviation); or who, by obstructing any such Street, wilfully prevents any Person or Carriage from passing him, or any Waggon, Cart, or Carriage under his Care:

Every Person who at One Time drives more than Two Carts or Waggons; and every Person driving Two Carts or Waggons who has not the Halter of the Horse in the last Cart or Waggon securely fastened to the Back of the First Cart or Waggon, or has such Halter of a greater Length from such Fastening to the Horse's Head than Four Feet:

Every Person who rides or drives furiously any Horse or Carriage, or drives furiously any Cattle:

Every Person who causes any public Carriage, Sledge, Truck, or Barrow, with or without Horses or any Beast of Draught or Burden, to stand longer than is necessary for loading or unloading Goods, or for taking up or setting down Passengers (except Hackney Carriages, and Horses and other Beasts of Draught or Burden, standing for Hire in any Place appointed for that Purpose by the Commissioners or other lawful Authority); and every Person who, by means of any Cart, Carriage, Sledge, Truck, or Barrow, or any Animal or other Means, wilfully interrupts any public Crossing or wilfully causes any Obstruction in any public Footpath or other public Thoroughfare:

Every Person who causes any Tree or Timber, Iron Beam, Stone, or other Thing to be drawn or hauled otherwise than upon a wheeled Carriage, or who causes any Tree or Timber, Iron Beam, Stone, or other Thing to be drawn in or upon any Carriage without having sufficient Means of safely guiding the same:

Every Person who leads or rides any Horse or other Animal, or draws or drives any Cart or Carriage, Sledge, Truck, or Barrow, upon any Footway of any such Street, or fastens any Horse or other Animal so that it stands across or upon any Footway:

Every Person who places or leaves any Furniture, Goods, Wares, or Merchandise, or any Cask, Tub, Basket, Pail, or Bucket, or places or uses any Standing Place, Stool, Bench, Stall, or Showboard on any Footway, or who places

places any Blind, Shade, Covering, Awning, or other Projection over or along any such Footway, unless such Blind, Shade, Covering, Awning, or other Projection is Eight Feet in Height at least in every Part thereof from the Ground:

Every Person who carries about on any Carriage or on Horseback any Picture, Placard, Notice, or other Advertisement, whether written, printed, or painted upon or posted or attached to any Part of such Carriage or on any Board or otherwise:

Every Person who places, hangs up, or exposes to Sale any Goods, Wares, Merchandise, Matter, or Thing whatsoever, so that the same project into or over any Footway, or beyond the Line of any House, Shop, or Building at which the same are so exposed, so as to obstruct or incommode the Passage of any Person over or along such Footway:

Every Person who shall hang or place any Linen or Clothes or other such Article on any Rail or Fence of any Premises:

Every Person who writes upon, soils, defaces, or marks any Wall, Fence, Hoarding, or Building with Chalk or Paint or in any other Way, or who without Authority affixes or causes to be affixed to any Church, Chapel, or Schoolhouse, or without the Consent of the Owner and Occupier to any other Building, or to any Wall, Fence, or Hoarding, any Bill or other Notice, or who wilfully breaks, destroys, or damages any Part of such Wall, Fence, Hoarding, or Building, or any Tree, Shrub, Seat, or other Thing:

Every Person who conveys in any open Cart or Waggon or otherwise through such Streets the Carcasses, or any Parts thereof, of Animals slaughtered for Sale, without the same being properly covered up from public View; or exposes such slaughtered Carcasses, or any Parts thereof, or their Skins or Offals, outside of the Doors or Windows of any Shop in any such Street; or shall use Machines to mince or hash such Animal Food, to the Annoyance of the Residents:

Every Person who rolls or carries any Cask, Tub, Hoop, or Wheel, or any Ladder, Plank, Pole, Timber, Log of Wood, Basket, Board, or Tray, upon any Footway, except for the Purpose of Loading or unloading any Cart or Carriage, or of crossing the Footway:

Every Person who Places any Line, Cord, or Pole across, upon, or over any Part of any such Street, or hangs or places

places any Clothes thereon, or on the Outside of any Window fronting any such Street:

Every common Prostitute or Nightwalker loitering or importuning Passengers for the Purpose of Prostitution:

Every Person who wilfully and indecently exposes his Person, or who commits any Nuisance:

Every Person who publicly offers for Sale or Distribution, or exhibits to public View, any profane, indecent, or obscene Book, Paper, Print, Drawing, Painting, or Representation:

Every Person who discharges any Firearm, or throws or discharges any Stone or other Missile, or makes any Bonfire, or throws or sets fire to any Firework:

Every Person who flies any Kite, or who makes or uses any Slide upon Ice or Snow:

Every Person who cleanses, hoops, fires, washes, or scalds any Cask or Tub, or hews, saws, bores, or cuts any Timber or Stone, or slacks, sifts, or screens any Lime:

Every Person who throws or lays down any Stones, Coals, Slate, Shells, Lime, Bricks, Timber, Iron, or other Materials (except Building Materials so enclosed as to prevent Mischief to Passengers):

Every Person who beats or shakes any Carpet, Rug, or Mat (except Rugs or Mats beaten or shaken before the Hour of Eight in the Morning):

Every Person who fixes or places any Flower Pot or Box or other heavy Article in any upper Window, without sufficiently guarding the same against being blown down:

Every Person who throws from the Roof or any Part of any House or other Building any Slate, Brick, Wood, Rubbish, or other Thing, except Snow thrown so as not to fall on any Passenger:

Every Occupier of any House or other Building, or other Person, who orders or permits any Person in his Service to stand on the Sill of any Window, in order to clean, paint, or perform any other Operation upon the Outside of such Window, or upon any House or other Building, unless such Window be in the sunk or Basement Storey:

Every Person who shall use any threatening, abusive, or insulting Words or Behaviour with Intent or calculated to provoke a Breach of the Peace, or whereby a Breach of the Peace may be occasioned:

Every Person who shall sing any profane or obscene Song, or use any obscene, abusive, or indecent Language to or

to

to the Annoyance of any Person in going or passing along any such Street:

Every Person who shall jostle or annoy any Person passing thereon:

Every Person who shall discharge any Smoke or Steam from any Premises (otherwise than from the Top thereof) into any such Street, or suffer or permit the condensed Water or Moisture from any Steam Pipe, Flue, or Funnel to fall into or upon such Street:

Every Person who leaves open any Vault or Cellar, or the Entrance from any Street to any Cellar or Room underground, without a sufficient Fence or Handrail, or leaves defective the Door, Window, or other Covering of any Vault or Cellar, or who does not sufficiently fence any Area, Pit, or Sewer left open, or who leaves such open Area, Pit, or Sewer without a sufficient Light after Sunset to warn and prevent Persons from falling thereinto:

Every Person who throws or lays any Dirt, Litter, or Ashes or Nightsoil, or any Carrion, Fish, Offal, or Rubbish, Slops, or dirty Water, on any Street, back Area, Court, or Place, or Sea Beach or Strand within the Boundaries of a Burgh, or causes or allows any Matter, solid or liquid, to fall or run on any such Street: Provided always, that it shall not be deemed an Offence to lay Sand or other Materials in any such Street in Time of Frost to prevent Accidents, or Litter or other suitable Materials to prevent the freezing of Water in Pipes, or in case of Sickness to prevent Noise, if the Party laying any such Things causes them to be removed as soon as the Occasion for them ceases:

Every Person who keeps any Pigstye to the Front of any such Street, or who keeps any Swine in or near any such Street:

Provided always, that if any Rubbish, Lead, Iron, Wood, Goods, Commodities, or other Article, Matter, or Thing whatever, shall be placed or allowed to remain in any such Street, to the Obstruction, Annoyance, or Danger of the Residents or Passengers, it shall be lawful for and in the Power of the Superintendent or other Constable of Police to remove or cause the same to be immediately removed and carried to any Place of Safety, there to remain, at the Risk of the Owner and Person offending, and to detain the same until the Expense of Removal and Detention are paid; and if such Expense shall not be paid within Seven Days, to sell or dispose of the same, and apply the Proceeds as the Magistrates or any of them shall direct.

CCLII. The

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Owners of Carts, &c. to have Names painted thereon.

CCLII. The Owner of every Waggon, Cart, or Carriage used for the Conveyance of Goods, or plying for Hire, shall have his Christian Name, Surname, and Place of Abode painted in a straight Line horizontally upon some conspicuous Part on the Off or Right Side of such Waggon, Cart, or Carriage, in large legible Roman Letters, either of a dark Colour upon a light Ground, or of a light Colour upon a dark Ground, not less than One Inch in Height, with Numbers, beginning with Number One where more of such Carriages respectively than One shall belong to the same Owner, and proceeding in regular Progression, failing which such Owner shall be liable to a Penalty not exceeding Forty Shillings for every Time such Waggon, Cart, or Carriage shall be found in any Street.

Persons under 14 Years of Age not to drive Carts, &c.

CCLIII. The Owner of any Waggon, Cart, or Carriage who shall cause or permit such Waggon, Cart, or Carriage to be driven in any Street, public or private, by any Person who is not of the full Age of Fourteen Years, and every Person who in any such Street shall put a Waggon, Cart, or Carriage, and the Animal drawing the same, temporarily under the Charge or Care of a Person who is not of the full Age of Fourteen Years, shall be liable to a Penalty not exceeding Forty Shillings.

Penalty on drunken Persons, &c. guilty of riotous or indecent Behaviour.

CCLIV. Every Person guilty of any riotous or indecent Behaviour in any Street, public or private, and also every Person guilty of any violent or indecent Behaviour in any Police Office or any Police Station House within the Burgh, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence, or, in the Discretion of the Magistrate before whom he is convicted, may, without a Penalty being inflicted, be imprisoned for a Period not exceeding Fourteen Days.

Removal of Furniture.

CCLV. It shall be lawful for any Officer appointed by virtue of this Act to stop and detain, until due Inquiry can be made, any Cart or Carriage, and any Person in charge thereof or connected therewith, found within the Burgh employed in removing Furniture between the Hours of Eight in the Evening and Six in the Morning, except at the usual Terms of removing observed within the Burgh.

Dogs in private Premises.

CCLVI. If any Person shall have or keep or suffer to be kept within any Premises any Dog or any Fowl or other Animal which shall be an Annoyance to any of the Inhabitants in the Neighbourhood, and shall not prevent the Continuance of such Annoyance by removing such Dog, Fowl, or other Animal, or otherwise, within such Time as the Magistrate shall determine, which he is hereby authorized to do in a summary Manner, such Person shall, upon Conviction before the Magistrate, for every such Offence be liable to a Penalty

Penalty not exceeding Forty Shillings; and it shall be lawful to Constables, Officers of Police, or other Officers of the Law and their Assistants, to seize and take Possession of and remove any Dog or other Animal being an Annoyance as aforesaid, and not removed when so ordered.

Street Musicians.

CCLVII. It shall be lawful for any Householder, personally or by his Servant, or by an Officer of Police, to require any Street Musician or Singer to depart from the Neighbourhood of the House of such Householder on account of the Illness of any Inmate of any such House, or for other reasonable Cause; and every Person who shall continue to sound or play any Musical Instrument or sing after being so required to depart shall be liable to a Penalty not exceeding Twenty Shillings.

Power to regulate Shows, &c.

CCLVIII. It shall be lawful for the Magistrates of Burghs to restrain, regulate, or prohibit all public Shows, Exhibitions, or Representations, and also to restrain and regulate the Use of Apartments in common Tenements or in any Booth for dancing on any Occasion, at any Time which shall appear necessary for preserving Order and Decorum, and to make and establish Regulations and Prohibitions to that Effect; and if any Person shall open or be concerned in opening any public Show, Exhibition, or Representation without the Sanction or Permission of the Magistrates, or shall contravene any such Regulation or Prohibition, such Person shall for every such Offence forfeit a Penalty not exceeding Five Pounds.

PART V.

SECTION III.—*Prevention of Fraud.*

Weighing Machines to be erected.

CCLIX. It shall be lawful for the Commissioners to erect, so far as not already done, and maintain, Steelyards, Scales, or other Weighing Machines, upon or adjacent to the Streets, public or private, or at any other convenient Places within the Burgh, for the Purposes herein-after mentioned, or to grant Powers to others to that Effect, and to appoint proper Persons to attend the same, with suitable Allowances for their Trouble.

Power to Purchaser of Coals to require them to be weighed.

CCLX. It shall be competent to the Purchaser of any Coals, or to the Driver of any Cart loaded with Coals, to require that any such Cart loaded with Coals shall be weighed at the said Steelyard, Scales, or other Weighing Machines, and the Weight of the Coals and of the Cart, and also the Time of such weighing, marked on a Ticket, shall be delivered to the Driver thereof; and the Person having the Charge of such Steelyards, Scales, or other Weighing Machines shall exact and receive from the Driver for each Cart a Sum not exceeding

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exceeding One Penny Halfpenny for Weighing the Coals and delivering the Ticket as aforesaid, and the Money so to be paid shall be repaid to such Driver by the Purchaser of the Coals or Person to whom the same are delivered, on the Ticket thereof being produced.

Power to provide portable Machines for weighing Coals.

CCLXI. It shall be lawful for the Commissioners to provide, furnish, and maintain such Number of portable or moveable Machines for weighing Coals as they may deem necessary, to be kept at convenient Places within the Burgh, in order that the Inhabitants may have Access to them for the Purpose of reweighing their Coals at their own Expense, if they shall be so inclined, and to employ proper Persons to attend such Machines, and to establish the Rates to be payable for such reweighing; and it shall be lawful for the Superintendent of Police, or any other Officer acting under this Act, to cause Coals offered for Sale or for Delivery to be reweighed, and to require the Driver to produce the Ticket thereof, as a Check on the Conduct of Drivers and others, such reweighing being always done free of Expense.

Retailers of Coals to keep Scales and Weights for weighing at the Time of Delivery.

CCLXII. For the Purpose of ascertaining the weight of Coals sold in Quantities of not less than Half a Ton within any Yard, Depôt, Cellar, Fold, or Place where they may be kept, or from any Cart on which they may be carried by Dealers for Sale, such Dealers shall be obliged to have and keep Scales and Weights of the legal Standard within such Yard, Depôt, Cellar, Fold, or other Place, and also to have such Scales and Weights attached to the Cart used by them for the Sale of such Coals, whereby the Coals so sold by Retail may be weighed at the Time of the Sale or Delivery, and such Dealers shall be obliged to weigh the same, upon being required to do so either by the Person purchasing the same or by any Constable or Officer of Police; and any such Dealer in Coals failing to have and keep such Scales and Weights, or refusing to weigh the Coals as aforesaid, shall be liable to a Penalty not exceeding Forty Shillings, and Five Pounds for any subsequent Offence.

Regulations as to Sale of Coals of Half a Ton Weight.

CCLXIII. Any Dealer in or Person selling Coals, who shall sell any Quantity of the same equal to or exceeding Half a Ton Weight, shall be bound to deliver to the Carter, or Person in charge of the said Coals, to be given to the Purchaser, an Account or Memorandum specifying the true Tare of the Cart conveying the said Coals, and the true Weight and Price of the Coals, and the exact Time the Cart shall leave the Premises of the said Dealer or other Person selling, under a Penalty of Twenty Shillings for each Offence in any One of such Particulars.

Penalty.

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Carter to deliver Memorandum.

CCLXIV. The Carter or Person in charge of the said Coals shall be bound to exhibit such Account or Memorandum to any Police Constable who may demand the same, and immediately on his Arrival at the Place of Delivery shall deliver the same to the Purchaser or Inmate or other Person in charge of the House or Place of Delivery, under a Penalty of Twenty Shillings for each Offence in either of the said Particulars.

Penalty for selling Coals by Retail in Carts, &c. without Scales and Weights.

CCLXV. Every Person who sells Coal in Quantities of less than Half a Ton in Weight shall have and keep Scales and Weights of the legal Standard, and shall weigh such Coal before Delivery; and when such Coal is sold or delivered from a Waggon, Cart, or Carriage such Scales and Weights shall be attached thereto, and any such Person who fails to have and keep such Scales and Weights, or who does not weigh such Coal previous to Delivery, shall be liable in respect thereof to a Penalty not exceeding Forty Shillings, or to Imprisonment for a Period not exceeding Fourteen Days, and in respect of any Second or subsequent Offence to a Penalty not exceeding Five Pounds or to Imprisonment for a Period not exceeding Thirty Days.

Penalty on Driver refusing to weigh.

CCLXVI. If any Driver or other Person having the Charge of any Cart shall not, upon being so required as aforesaid, take the same to any such Public Weighing Machine, or shall refuse to assist in the weighing of the same in such Manner as the Drivers of Carts are used and accustomed to do, such Driver or other Person shall for each Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty on fraudulent weighing.

CCLXVII. If the Keeper of any Weighing Machine used within the Burgh for the Purpose of ascertaining the Weight of Coals, or the Seller of any Coals which shall be weighed at such Weighing Machine, or any of their respective Servants, shall wilfully, on Application, refuse duly to weigh or reweigh any Cart, with or without Loading, or shall designedly do or omit to do anything with Intent that the true Weight or Measurement of any Coals weighed thereat shall not be ascertained, or if the Owner or Driver or other Person having the Charge of any Cart shall place or knowingly have any Article, Matter, or Thing in or about such Cart, other than the Proper Load therein, or shall alter the Tare or Weight, or the Ticket denoting the Weight, of any Cart or the Loading thereof, or shall make, use, or be Privy to the making or using, any false or fraudulent Ticket respecting the Weight of any such Cart or Loading, or if by reweighing or otherwise it shall be discovered that any Coals have been abstracted by such Owner, Driver, Person in charge, Keeper, or Servant, from such Cart, after it shall have passed the Steelyard or Weighing

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ing Machine where it was originally weighed, or if the Owner or Driver or Person in charge of any Cart, or the Keeper of any Machine as aforesaid, or his Servants, shall make or give or use, or be privy to the making or giving or using, any false or fraudulent Contrivance touching the Weight of any Cart or the Load therein, or shall knowingly assist in or connive at any Fraud in or concerning the Weight of any Cart or of the Load therein, or if any other Person shall knowingly aid or assist in the committing of any Fraud respecting the Weight of any Cart or the Load therein, weighed, or stated or represented to be weighed, at any such Machine as aforesaid, then and in every such Case every Person so offending shall for every Offence be liable to a Penalty not exceeding Five Pounds, or to be imprisoned for any Period not exceeding Thirty Days.

Regulations may be made for preventing Fraud in the Weight of Hay, Straw, &c.

CCLXVIII. In order to prevent Fraud in the Weight of Hay and Straw or other Commodities usually weighed in Carts, it shall be lawful for the Commissioners to make Regulations for ascertaining the Weight or Quantity of Hay or Straw or other Commodities brought within the Burgh, upon Parties voluntarily resorting to the said Weighing Machines for the Purpose, and for the Magistrate to punish Persons disobeying such Regulations, by seizing, forfeiting, and selling such Hay and Straw or other Commodities so brought in contravention of such Regulations, or by imposing on the Offender a Penalty to the Extent and in the Manner before prescribed in respect of Coals which have not been duly weighed, and also to fine all Persons driving Carts from which Hay or Straw or other Commodities shall have been fraudulently taken or embezzled, and all Persons accessory to such fraudulent taking or Embezzlement, in any Penalty not exceeding Five Pounds, or to sentence him to Imprisonment for any Period not exceeding Thirty Days.

Power to try Weight of Butter, &c. made up in Parcels, and to seize and confiscate if found deficient.

CCLXIX. And for the Purpose of preventing Fraud in the Sale of Butter, Bread, and other Articles made up in Parcels or Quantities representing a Pound or Half Pound, or other larger or smaller specific Weight, it shall be lawful for the Superintendent of Police at any Time, or for any Police Constable having Orders or Instructions to that Effect from the Magistrates or any one of them, to try the Weight of such Parcels or Quantities of Butter, Bread, and other Articles brought within the Burgh for Sale, or sold or exposed or kept for Sale in any Shop or Market Place within the Burgh; and it shall be lawful for the Superintendent at any Time when he shall deem it necessary or proper, or for any Police Constable, on the Warrant of any of the Magistrates, to enter any Shop, Store, or other Premises within the Burgh in which such Parcels and Quantities of Butter, Bread, and other Articles are sold

sold or exposed or kept for Sale, and to try the Weight of such Parcels or Quantities of Butter, Bread, and other Articles as may be found therein; and if upon any such Trial or Examination any Parcel or Quantity shall be found light or deficient in Weight, it shall be lawful to seize the same, and to require the Person possessed thereof to appear before any of the Magistrates, or to attend at the Police Office, and in the event of Refusal, and such Person not being known as a Householder or Store or Shop Keeper within the said Limits, to convey such Person before the Magistrates or any of them, or to the Police Office for Examination; and it shall be lawful for the Magistrates or any of them, on finding that any Parcel or Quantity of Butter, Bread, or other Article so seized is light or deficient, and was so at the Time of Seizure, to declare the same forfeited, and to send the same to any charitable Institution, and to fine the Person in whose Possession it has been found in a Sum not exceeding Forty Shillings for every Parcel or Quantity intended to represent a specific Weight found deficient.

Penalty on committing Frauds in Weight of Bread.

CCLXX. All Bakers and Dealers in Bread shall, on all Bread made or exposed by them for Sale (except Fancy Bread or Rolls), impress thereon, in large and distinct Figures, the Imperial Weight of such Bread; and any Person who shall expose or offer for Sale or sell any Bread not so impressed shall be liable in a Penalty not exceeding Forty Shillings for each Offence; and any Person who shall sell, or offer or expose for Sale, any Bread which shall be deficient or under the Weight so impressed, shall be liable in a Penalty not exceeding Forty Shillings for each Offence.

Magistrates to have Powers conferred upon Justices by 22 G. 2. c. 27. and 17 G. 3. c. 56.

CCLXXI. And for the further Prevention of Fraud the Magistrates shall have and may exercise the Powers and Jurisdictions conferred upon any Justice or Justices of the Peace by the Act of the Twenty-second *George* the Second, Chapter Twenty-seven, intituled *An Act for the more effectual preventing of Frauds and Abuses committed by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax, Mohair, and Silk Manufactures, and for preventing unlawful Combinations of Journeymen Dyers and Journeymen Hotpressers, and of Persons employed in the said several Manufactures, and for the better Payment of their Wages;* and by the Act of the Seventeenth *George* the Third, Chapter Fifty-six, intituled *An Act for amending and rendering more effectual the several Laws now in being for the more effectual preventing of Frauds and Abuses by Persons employed in the Manufacture of Hats, and in the Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, Flax,*

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Flax, Mohair, and Silk Manufactures, and also for making Provisions to prevent Frauds by Journeymen Dyers; and the Provisions of the said Acts shall apply to Proceedings before the Magistrates and to Acts done by them in relation thereto, in the same Manner as to Proceedings before and Acts done by any Justice or Justices of the Peace; and upon an Oath or solemn Affirmation or Declaration being made before the Magistrates or any Justice or Justices of the Peace that there is Cause to suspect that any Material purchased or received by any Broker from any Person or Persons were purloined or embezzled, the Magistrates of Burghs or any Justice or Justices of the Peace may grant Warrant for bringing the Person or Persons from whom the Broker purchased or received such Materials before him or them; and if such Persons or Person shall not give a satisfactory Account of how he, she, or they came by such Materials, such Person or Persons shall be deemed guilty of a Misdemeanor or Offence, and shall be punishable accordingly, in Terms of the said Two last-recited Acts, in the same Manner as if such Materials had been found in the Possession of such Person or Persons; and it shall be competent to the Magistrates or to any Two Justices of the Peace to sentence such Person or Persons to pay any Fine not exceeding the Amounts authorized by the said Acts, or alternatively to commit such Person or Persons to Prison for any Period not exceeding the Periods authorized by the said Acts; and it shall not be necessary before committing such Person or Persons to Prison to levy such Fines by Distress and Sale, or to use any legal Diligence for Recovery thereof.

Penalty for offering unwholesome Meat for Sale.

CCLXXII. Every Person who sells or exposes for Sale, or keeps for the Purpose of Sale, any of the following Articles, shall be liable to a Penalty not exceeding Ten Pounds:

Any Animal or Part of an Animal which died from Disease:

Any Animal or Part of an Animal, or any Fruit or Vegetable, which is unsound or unwholesome, or unfit for Human Food:

Any blown, stuffed, or pricked Veal, Lamb, or other Meat.

Penalty for offering adulterated Provisions for Sale.

CCLXXIII. Every Person who knowingly sells or exposes for Sale, or keeps for the Purpose of Sale, any adulterated Butter, Meal, Bread, or other Article of Food, shall be liable to a Penalty not exceeding Five Pounds.

Penalty for Want of Cleanliness in Meat and Provision Shops.

CCLXXIV. Every Occupier of any Premises used for the Sale of Butcher Meat, Poultry, Game, Fish, Butter, Meal, Bread, or any other Article of Food, who does not keep the same clean and in good Condition, to the Satisfaction of the Superintendent of Police or other Person appointed by the Commissioners

Commissioners for that Purpose, shall be liable to a Penalty not exceeding Twenty Shillings.

Superintendent may impound unwholesome Meat or adulterated Provisions.

CCLXXV. It shall be lawful for such Superintendent or other Person appointed by the Commissioners for the Purpose to seize, impound, and convey to the Police Office any Animal, or Part of an Animal, or any Fruit or Vegetable, or any Meat or Beef, or any Article of Food, sold or exposed for Sale, or kept in any Place used for the Sale of such Article, in respect of which there is reasonable Ground for supposing that a Penalty has been incurred under any of the Provisions herein-before contained or Bye-Laws or Regulations herein-before authorized; and if such Penalty is imposed, it shall be lawful for the Magistrate to declare such Article forfeited.

Warrant may be granted by the Magistrate to search suspected Places for Animals which have died of Disease, &c.

CCLXXVI. It shall be lawful for the Magistrate, on a Complaint by the Superintendent of Police, to grant Warrant to enter any Building or Part of a Building or other Place in which there is reasonable Ground for believing that any Animal or Part of an Animal which died of Disease, or any Animal or Part of an Animal or any Fruit or Vegetable which is unsound or unwholesome or unfit for Human Food, or any adulterated Butter, Meal, Bread, or other Article of Food, is kept or concealed with a view to Sale, although such Building or Part of a Building or other Place may not be ordinarily used for the Purpose of selling the same, and to search for, impound, and convey to the Police Office any such Animal or Part of an Animal, Fruit, Vegetable, or Article of Food.

Penalty on Persons found in Possession of such Animals, &c.

CCLXXVII. Every Person who is found in possession of any Animal or Part of an Animal which died of Disease, or of any Animal or Part of an Animal or any Fruit or Vegetable which is unsound or unwholesome or unfit for Human Food, or of any adulterated Article of Food, on the Execution of a Warrant by the Magistrate, shall be presumed to have kept or concealed the same knowingly with a view to Sale until the contrary be shown, and shall be liable in respect thereof to a Penalty not exceeding Ten Pounds; and it shall be lawful for the Magistrate, whether he imposes such Penalty or not, to declare such Animal or Part of an Animal, Fruit, Vegetable, or Article of Food to be forfeited.

PART V.

SECTION IV.—*Hackney Carriages, Sedan Chairs, Carters, and Porters.*

Hackney Carriages to be licensed.

CCLXXVIII. The Magistrates may from Time to Time license to ply for Hire within Five Miles from the principal Post Office of the Burgh such Number of Hackney Coaches or

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or Carriages, of any Kind or Description, adapted to the Carriage of Persons, as they shall think fit.

What to be Hackney Carriages.

CCLXXIX. Every wheeled Carriage, whatever may be its Form or Construction, used in standing or plying for Hire in any Street within such prescribed Distance, and every Carriage standing upon any Street, public or private, within such prescribed Distance, having thereon any numbered Plate required by this Act to be fixed upon a Hackney Carriage, or having thereon any Plate resembling or intended to resemble any such Plate as aforesaid, shall be deemed to be a Hackney Carriage within the Meaning of the Act; and in all Proceedings at Law or otherwise the Term "Hackney Carriage" shall be sufficient to describe any such Carriage: Provided always, that no Stage Coach used for the Purpose of standing or plying for Passengers to be carried for Hire at separate Fares, and duly licensed for that Purpose, and having thereon the proper numbered Plates required by Law to be placed on such Stage Coaches, shall be deemed to be a Hackney Carriage within the Meaning of this Act.

Fees to be paid for Licences.

CCLXXX. For every such Licence there shall be paid to the Clerk or other Person appointed by them to receive the same such Sum as the Magistrates direct, not exceeding Five Shillings.

Persons applying for Licence to sign a Requisition for same.

CCLXXXI. Before any such Licence is granted, a Requisition for the same, in such Form as the Magistrates may from Time to Time provide for that Purpose, shall be made and signed by the Proprietor or One of the Proprietors of the Hackney Carriage in respect of which such Licence is applied for, and in every such Requisition shall be truly stated the Name and Surname and Place of Abode of the Person applying for such Licence, and of every Proprietor or part Proprietor of such Carriage, or Person concerned, either solely or in Partnership with any other Person, in the keeping, employing, or letting to Hire of such Carriage; and any Person who, on applying for such Licence, states in such Requisition the Name of any Person who is not a Proprietor or part Proprietor of such Carriage, or who is not concerned as aforesaid in the keeping, employing, or letting to Hire of such Carriage, and also any Person who wilfully omits to specify truly in such Requisition as aforesaid the Name of any Person who is a Proprietor or part Proprietor of such Carriage, or who is concerned as aforesaid in the keeping, employing, or letting to Hire of such Carriage, shall be liable to a Penalty not exceeding Ten Pounds.

What shall be specified in the Licence.

CCLXXXII. In every such Licence shall be specified the Name and Surname and Place of Abode of every Person who is

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a Proprietor or part Proprietor of the Hackney Carriage in respect of which such Licence is granted, or who is concerned, either solely or in Partnership with any other Person, in the keeping, employing, or letting to Hire of any such Carriage, and also the Number of such Licence, which shall correspond with the Number to be painted or marked on the Plates to be fixed on such Carriage, together with such other Particulars as the Magistrates think fit.

Licences to be registered.

CCLXXXIII. Every Licence shall be made out by the Clerk of the Magistrates, and duly entered in a Book to be provided by him for that Purpose, and in such Book shall be contained Columns or Places for Entries to be made of every Offence committed by any Proprietor or Driver or Person attending such Carriage, and any Person may at any reasonable Time inspect such Book without Fee or Reward.

Licences to be in force for One Year only.

CCLXXXIV. Every Licence so to be granted shall be signed by Two or more of the Magistrates, and shall not include more than One Carriage so licensed, and shall be in force for One Year only from the Day of the Date of such Licence, or until the next General Licensing Meeting, in case any General Licensing Day be appointed by the Magistrates.

Notice to be given by Proprietors of Hackney Carriages of any Change of Abode.

CCLXXXV. So often as any Person named in any such Licence as the Proprietor or One of the Proprietors, or as being concerned, either solely or in Partnership with any Person, in the keeping, employing, or letting to Hire of any such Carriage, changes his Place of Abode, he shall, within Seven Days next after such Change, give Notice thereof in Writing, signed by him, to the Magistrates, specifying in such Notice his new Place of Abode, and he shall at the same Time produce such Licence at the Office of the Magistrates, who shall, by their Clerk or some other Officer, endorse thereon and sign a Memorandum specifying the Particulars of such Change; and any Person named in any such Licence as aforesaid as the Proprietor or One of the Proprietors of any Hackney Carriage, or as being concerned as aforesaid, who changes his Place of Abode, and neglects or wilfully omits to give Notice of such Change, or to produce such Licence in order that such Memorandum as aforesaid may be endorsed thereon, within the Time and in the Manner limited and directed by this Act, shall be liable to a Penalty not exceeding Forty Shillings.

Penalty for plying for Hire without a Licence.

CCLXXXVI. If the Proprietor or part Proprietor of any Carriage, or any Person so concerned as aforesaid, permits the same to be used as a Hackney Carriage plying for Hire within such prescribed Distance without having obtained a Licence as aforesaid for such Carriage, or during the Time that such Licence is suspended, as herein-after provided, or if any Person

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son be found driving, standing, or plying for Hire with any Carriage within such prescribed Distance, for which such Licence as aforesaid has not been previously obtained, or without having the Number of such Carriage corresponding with the Number of the Licence openly displayed on such Carriage, every such Person so offending shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Drivers not to act without obtaining a Licence.

CCLXXXVII. No Person shall act as Driver of any Hackney Carriage, licensed in pursuance of this Act to ply for Hire within such prescribed Distance, without first obtaining a Licence from the Magistrates, which Licence shall be registered by the Clerk to the Magistrates, and a Fee of One Shilling shall be paid for the same; and every such Licence shall be in force until the same is revoked, except during the Time that the same may be suspended, as after mentioned.

Penalty on Drivers acting without Licence.

CCLXXXVIII. If any Person acts as such Driver as aforesaid without having obtained such Licence, or during the Time that his Licence is suspended, or if he lend or part with his Licence, except to the Proprietor of the Hackney Carriage, or if the Proprietor of any Hackney Carriage employ any Person as the Driver thereof who has not obtained such Licence, or during the Time that his Licence is suspended, as hereinafter provided, every such Driver and every such Proprietor shall for every such Offence respectively be liable to a Penalty not exceeding Twenty Shillings.

Proprietor to retain Licence of Drivers when in his Employ, and to produce the same when summoned.

CCLXXXIX. In every Case in which the Proprietor of any Hackney Carriage permits or employs any licensed Person to act as the Driver thereof, such Proprietor shall cause to be delivered to him, and shall retain in his Possession, the Licence of such Driver while such Driver remains in his Employ; and in all Cases of Complaint, where the Proprietor of a Hackney Carriage is summoned to attend before a Magistrate, or to produce the Driver, the Proprietor so summoned shall also produce the Licence of such Driver, if he be then in his Employ; and if any Driver complained of be judged guilty of the Offence alleged against him, such Magistrate shall make an Endorsement upon the Licence of such Driver, stating the Nature of the Offence and the Amount of the Penalty inflicted; and if any such Proprietor neglect to have delivered to him and to retain in his Possession the Licence of any Driver while such Driver remains in his Employ, or if he refuse or neglect to produce such Licence as aforesaid, such Proprietor shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Magistrates may endorse Convictions upon Licence.

Penalty on Proprietors for Neglect.

Proprietor to return Licence to

CCXC. When any Driver leaves the Service of the Proprietor by whom he is employed without having been guilty of

of any Misconduct, such Proprietor shall forthwith return to such Driver the Licence belonging to him; but if such Driver have been guilty of any Misconduct, the Proprietor shall not return his Licence, but shall give him Notice of the Complaint which he intends to prefer against him, and shall forthwith summon such Driver to appear before a Magistrate to answer the said Complaint; and such Magistrate, having the necessary Parties before him, shall inquire into and determine the Matter of Complaint; and if upon Inquiry it appear that the Licence of such Driver has been improperly withheld, such Magistrate shall direct the immediate Re-delivery of such Licence, and award such Sum of Money as he thinks proper to be paid by such Proprietor to such Driver by way of Compensation.

Drivers when quitting his Service if they behave well, if otherwise Proprietor to summon them.

Compensation in case of Licence being improperly withheld.

CCXCI. The Magistrates may, upon the Conviction for the Second Time of the Proprietor or Driver of any Hackney Carriage for any Offence under the Provisions of this Act with respect to Hackney Carriages, or any Byelaw made in pursuance thereof, suspend or revoke, as they deem right, the Licence of any such Proprietor or Driver.

Licences to be suspended or revoked for Misconduct.

CCXCII. No Hackney Carriage shall be used or employed, or let to Hire, or shall stand or ply for Hire, within such prescribed Distance, unless the Number of Persons to be carried by such Hackney Carriage, in Words at Length, and in the Form following, (that is to say,) "to carry Persons," be painted on a Plate placed on some conspicuous Place on the Outside of such Carriage, and in legible Letters, so as to be clearly distinguishable from the Colour of the Ground whereon the same are painted, One Inch in Length, and of a proportionate Breadth; and the Driver of any Hackney Carriage shall not be entitled to carry in or by such Hackney Carriage a greater Number of Persons than the Number painted thereon.

Number of Persons to be carried in a Hackney Carriage to be painted thereon.

CCXCIII. If the Proprietor of any Hackney Carriage permit the same to be used, employed, or let to Hire, or if any Person stand or ply for Hire with such Carriage, without having the Number of Persons to be carried thereby painted and exhibited in manner aforesaid, or if the Driver of any Hackney Carriage, or of any Stage Coach or Omnibus, shall carry a greater Number of Persons in or by such Hackney Carriage, Stage Coach, or Omnibus than the Number of Persons painted thereon, or shall refuse, when required by the Hirer thereof, to carry in or by such Hackney Carriage the Number of Persons painted thereon, or any less Number, every Proprietor or Driver so offending shall be liable to a Penalty not exceeding Forty Shillings.

Penalty for Neglect or for Refusal to carry the prescribed Number.

CCXCIV. Any

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Penalty on Driver for refusing to drive.

CCXCIV. Any Driver of a Hackney Carriage standing at any of the Stands for Hackney Carriages appointed by the Magistrates, or in any Street, public or private, who refuses or neglects, without reasonable Excuse, to drive such Carriage to any Place within such prescribed Distance, or any Distance to be appointed by any Byelaw of the Magistrates, not exceeding such prescribed Distance, to which he is directed to drive by the Person hiring or wishing to hire such Carriage, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty for demanding more than the Sum agreed for, though less than the legal Fare.

CCXCV. If the Proprietor or Driver of any Hackney Carriage, or if any other Person on his Behalf, agree beforehand with any Person hiring such Hackney Carriage to take for any Job a Sum less than the Fare allowed by this Act or any Byelaw made thereunder, such Proprietor or Driver shall be liable to a Penalty not exceeding Forty Shillings if he exact or demand for such Job more than the Fare so agreed upon.

Agreement to pay more than the legal Fare not to be binding, and Sum paid beyond the proper Fare may be recovered back.

CCXCVI. No Agreement whatever made with the Driver, or with any Person having or pretending to have the Care of any Hackney Carriage, for the Payment of more than the Fare allowed by any Byelaw made under this Act, shall be binding on the Person making the same, and any such Person may, notwithstanding such Agreement, refuse, on discharging such Hackney Carriage, to pay any Sum beyond the Fare allowed as aforesaid; and if any Person actually pay to the Driver of any Hackney Carriage, whether in pursuance of any such Agreement or otherwise, any Sum exceeding the Fare to which such Driver was entitled, the Person paying the same shall be entitled, on Complaint made against such Driver before a Magistrate, to recover back the Sum paid beyond the proper Fare, and, moreover, such Driver shall be liable to a Penalty for such Exaction not exceeding the Sum of Forty Shillings; and in default of the Repayment by such Driver of such Excess of Fare, or of Payment of the said Penalty, the Magistrate shall forthwith commit such Driver to Prison, there to remain for any Time not exceeding One Month, unless the said Excess of Fare and the said Penalty be sooner paid.

Driver to carry, under an Agreement for a discretionary Distance, the Distance to which Hirer is entitled for the Fare.

CCXCVII. If the Proprietor or Driver of any Hackney Carriage, or if any other Person on his Behalf, agree with any Person to carry in or by such Hackney Carriage Persons not exceeding in Number the Number so painted on such Carriage as aforesaid for a Distance to be in the Discretion of such Proprietor or Driver, and for a Sum agreed upon, such Proprietor or Driver shall be liable to a Penalty not exceeding Forty Shillings if the Distance which he carries such Persons be under that to which they were entitled to be carried for the Sum

Sum so agreed upon, according to the Fare allowed by any Byelaw made under this Act.

Overcharge by Hackney Coachmen, &c. to be included in Conviction, and returned to aggrieved Party.

CCXCVIII. Every Proprietor or Driver of any Hackney Carriage who is convicted of taking as a Fare a greater Sum than is authorized by any Byelaw made under this Act shall be liable to a Penalty not exceeding Forty Shillings; and on the Conviction of such Proprietor or Driver an Order may be included for Payment of the Sum so overcharged, over and above the Penalty and Costs, and such Overcharge shall be returned to the Party aggrieved, whose Evidence shall be admissible in proof of such Offence.

Penalty for permitting Persons to ride without Consent of the Hirer.

CCXCIX. Any Proprietor or Driver of any Hackney Carriage which is hired who permits or suffers any Person to be carried in or upon or about such Hackney Carriage during such Hire, without the express Consent of the Person hiring the same, shall be liable to a Penalty not exceeding Twenty Shillings.

No Person to act as Driver of any Carriage without the Consent of the Proprietor.

CCC. No Person authorized by the Proprietor of any Hackney Carriage to act as Driver of such Carriage shall suffer any other Person to act as Driver of such Carriage without the Consent of the Proprietor thereof, and no Person, whether licensed or not, shall act as Driver of any such Carriage without the Consent of the Proprietor; and any Person so suffering another Person to act as Driver, and any Person so acting as Driver, without such Consent as aforesaid, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

Penalty on Drivers misbehaving.

CCCI. If the Driver or any other Person having or pretending to have the Care of any Hackney Carriage be intoxicated while driving, or if any such Driver or other Person, by wanton and furious driving, or by any other wilful Misconduct, injure or endanger any Person in his Life, Limbs, or Property, he shall be liable to a Penalty not exceeding Five pounds, and in default of Payment thereof the Magistrate before whom he is convicted of such Offence may commit him to Prison, there to remain for any Time not exceeding Two Months.

Penalty for leaving Carriages unattended at Places of public Resort.

CCCII. If the Driver of any Hackney Carriage leave it in any Street or at any Place of public Resort or Entertainment, whether it be hired or not, without some one proper to take care of it, any Constable may drive away such Hackney Carriage, and deposit it, and the Horse or Horses harnessed thereto, at some neighbouring Livery Stable or other Place of safe Custody; and such Driver shall be liable to a Penalty not exceeding Twenty Shillings for such Offence; and in default of Payment of the said Penalty, upon Conviction, and of the Expenses of taking and keeping the said Hackney

Carriage and Horse or Horses, the same, together with the Harness belonging thereto, or any of them, shall be sold by Order of the Magistrates before whom such Conviction is made; and after deducting from the Produce of such Sale the Amount of the said Penalty, and of all Costs and Expenses, as well of the Proceedings before such Magistrate as of the taking, keeping, and Sale of such Hackney Carriage, and of such Horse or Horses and Harness, the Surplus (if any) of the said Produce shall be paid to the Proprietor of such Hackney Carriage.

Damage done by Driver may be recovered from the Proprietor.

CCCIII. In every Case in which any Hurt or Damage has been caused to any Person or Property as aforesaid by the Driver of any Carriage let to Hire, the Magistrate before whom such Driver has been convicted may direct that the Proprietor of such Carriage shall pay such Sum, not exceeding Five Pounds, as appears to such Magistrate a reasonable Compensation for such Hurt or Damage; and every Proprietor who pays any such Compensation as aforesaid may recover the same from the Driver; and such Compensation shall be recoverable from such Proprietor, and by him from such Driver, as Damages.

Improperly standing with Carriage, refusing to give way to or obstructing any other Driver, or depriving him of his Fare.

CCCIV. Any Driver of any Hackney Carriage who suffers the same to stand for Hire across any Street or alongside of any other Hackney Carriage, or who refuses to give way, if he conveniently can, to any other Carriage, or who obstructs or hinders the Driver of any other Carriage in taking up or setting down any Person into or from such other Carriage, or who wrongfully in a forcible Manner prevents or endeavours to prevent the Driver of any other Hackney Carriage from being hired, shall be liable to a Penalty not exceeding Twenty Shillings.

Compensation may be awarded to Drivers for Loss of Time in attending to answer Complaints not substantiated.

CCCV. If the Driver of any Hackney Carriage be summoned or brought before any Magistrate to answer any Complaint made on Information given by any private Person touching or concerning any Offence alleged to have been committed by such Driver against the Provisions of any Byelaw made under this Act, and such Complaint or Information be afterwards dismissed, or if such Driver be acquitted of the Offence charged against him, such Magistrate, if he think fit, may order the informer to pay to such Driver such Compensation for his Loss of Time in attending such Magistrate touching or concerning such Complaint or Information as to such Magistrate seems reasonable; and in default of Payment of such Compensation such Magistrate may commit such Informer to Prison for any Time not exceeding One Month, unless the same shall be sooner paid.

CCCVI. If

CCCVI. If any Person refuse to pay, on Demand, to any Proprietor or Driver of any Hackney Carriage, the Fare allowed by any Byelaw made under this Act, such Fare may, together with Costs, be recovered before any Magistrate as a Penalty. Penalty for refusing to pay the Fare.

CCCVII. Any Person using any Hackney Carriage plying under a Licence granted by virtue of this Act who wilfully injures the same shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and shall also pay to the Proprietor of such Hackney Carriage reasonable Satisfaction for the Damage sustained by the same; and such Satisfaction shall be ascertained by the Magistrate before whom the Conviction takes place, and shall be recovered by the same Means as the Penalty. Penalty for damaging Carriage.

CCCVIII. The Magistrates may from Time to Time (subject to the Restrictions of this Act) make Byelaws for all or any of the Purposes following; that is to say, Magistrates may make Byelaws for regulating Hackney Carriages.

For regulating the Conduct of the Proprietors and Drivers of Hackney Carriages plying within such prescribed Distance in their several Employments, and determining whether such Drivers shall wear any and what Badges, and for regulating the Days and Hours within which they may exercise their Calling:

For regulating the Manner in which the Number of each Carriage corresponding with the Number of its Licence shall be displayed:

For regulating the Number of Persons to be carried by Hackney Carriages, and in what Manner such Number is to be shown on such Carriage, and what Number of Horses or other Animals is to draw the same, and the placing of Check Strings to the Carriages, and the holding of the same by the Driver, and how Hackney Carriages are to be furnished or provided:

For fixing the Stands of Hackney Carriages, and the Distance to which they may be compelled to take Passengers, not exceeding such prescribed Distance:

For fixing the Rates or Fares, as well for Time as Distance, to be paid for Hackney Carriages within such prescribed Distance, and for securing the due Publication of such Fares:

For securing the safe Custody and Re-delivery of any Property accidentally left in Hackney Carriages, and fixing the Charges to be made in respect thereof.

CCCIX. The Magistrates shall be empowered, and they are hereby authorized to prevent within the Limits of their Jurisdiction the plying or running of Omnibuses or other Carriages for Regulations as to Omnibuses or Car-

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for the Conveyance of Passengers which shall be in a State of Dis-repair or Insecurity, or not adapted in all other respects for the Conveyance of Passengers with Safety and Comfort, or drawn by Horses not sufficiently strong or in good Condition, or not sufficiently trained or broken-in, and that by imposing Penalties not exceeding for each Offence Five Pounds on the Owners or Contractors or Drivers of such Omnibuses or other Carriages which shall, on the Complaint of the Superintendent of Police, be found by the Magistrate before whom the same may be brought to be in an unsafe or unfit State for the Conveyance of Passengers, or not drawn as aforesaid; and the Magistrates are further empowered to make Byelaws for regulating the Number of Passengers to be carried by and Times of running of such Omnibuses or other Carriages, the Places at which the same shall stand, the Times at which the same shall start, and all other Matters tending to promote Regularity and public Convenience, and to enforce the same against the Proprietors or Conductors or Drivers of such Omnibuses and other Carriages, upon the Complaint of the Superintendent of Police or other Person appointed by the Commissioners, in like Manner and under a like Penalty.

riages plying within Burgh.

For licensing Sedan Chairs, Carts, and Porters.

CCCX. It shall be lawful for the Magistrates from Time to Time to make such Rules, Regulations, and Byelaws as they may think fit for licensing Sedan Chairs, Carts, Carters, and Porters plying for Hire within the Burgh, for trying, judging, and punishing the Misbehaviour of such Chairmen, Carters, and Porters, for fixing and altering their Stands, and for ascertaining what Rates and Fares they shall be allowed to take, and to what Distances and under what Penalties they shall come in and through the Burgh, and also to make such Rules, Regulations, and Byelaws as they may think fit for licensing Chimney Sweepers, and for fixing their Charges, and from Time to Time rescind, alter, or amend the Rules, Regulations, and Byelaws so to be made by them, and shall set down what Penalties shall be incurred by Persons breaking or evading the same or any of them, not exceeding the Sum of Forty Shillings for any One Offence.

PART V.

SECTION V.—*Brokers and Pawnbrokers.*

Brokers to be licensed.

CCCXI. From and after the Adoption of this Act no Person shall within the Burgh exercise or carry on the Trade or Business of a Broker unless he shall have first obtained a Licence so to do from the Magistrates, which Licence such Magistrates shall have a discretionary Power of granting or refusing

refusing as they shall see Cause, and which, when granted, shall continue in force until the Term of *Whitsunday* in each Year, and no longer, unless sooner revoked or suspended, which the Magistrates are hereby authorized to do, on legal Conviction of any Violation of any of the Conditions of such Licence, or of the Provisions of this Act; and every Person applying for such Licence or a Renewal thereof shall pay to the Clerk a Sum not exceeding Two Shillings and Sixpence as the Expense attending such Application, and of recording the same, and the Deliverance of the Magistrates thereon, and of such Licence or Renewal, if granted, in a Book to be kept by him for that Purpose; and if any Person shall within the Burgh exercise or carry on the Trade or Business of a Broker without having first obtained such Licence as aforesaid, or after the Revocation or during the Suspension thereof, or shall contravene the Terms of such Licence or any of the Provisions of this Act, such Person shall for each such Offence be liable to a Penalty not exceeding Five Pounds: Provided always, that it shall not be lawful for the Magistrates to grant any such Broker's Licence to any licensed Pawnbroker carrying on Business as such; but nothing in this Provision shall be held to apply to the Sale of Goods *bonâ fide* forfeited in accordance with the Pawnbroker's Act.

Brokers to furnish a Description of their Premises, and keep Books.

CCCXII. Every Person who shall apply to be licensed as a Broker shall, at the Time of his Application, and at *Whitsunday* yearly thereafter, furnish to the Clerk in Writing a Description of his Premises, including all Cellars, Closets, and other Places proposed to be used by him in the Course of his Trade; and all Brokers shall enter in Books to be kept by them the Particulars of each Transaction in their Business, which Particulars should contain a proper and distinctive Description of each Article purchased or received by them, the Name and Place of Abode of the Person from whom they have purchased or received the same, and the Date and Hour of the Day of each such Transaction, and the Price paid or agreed to be paid for such Articles; and if any such Broker shall fail to keep such Book, or to enter therein the Particulars before mentioned, he shall for each Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on failing to make proper Entries.

Brokers to retain Articles for Seven Days after having received them.

CCCXIII. All Articles purchased or received by such Brokers shall be kept by them in their Shops or other Places where their ordinary Business is carried on for the full Period of Seven Days from and after the Date on which it shall appear from their Books that such Articles have been purchased or received; and every Broker who shall sell or otherwise dispose of or remove from his Premises as aforesaid any such Articles

Penalty for Neglect.

Articles before the Expiry of such Period of Seven Days, or shall fail at any Time in the course of that Period to produce such Articles to the Superintendent of Police, or to any Constable acting under him, when required so to do, shall for each Offence, upon Conviction before a Magistrate, be liable to a Penalty not exceeding Five Pounds.

Brokers to produce Articles on Demand.

CCCXIV. Every Broker shall, at all reasonable Times, exhibit and produce, on Demand, to the Superintendent of Police, or to any Constable acting under him, all Articles in his Possession, or which he may have received or purchased, and shall also produce his Books in which the Description of any such Articles is or should have been entered, when required, in the Police Court, or to the Superintendent of Police, or any Constable acting under him, and having the Authority of a Magistrate, in which Book the Constable requiring and obtaining Production thereof shall on every Occasion subscribe his Name immediately following the last Entry therein; and as often as it shall be found that any Goods or Articles which have been stolen, embezzled, or fraudulently obtained shall be in the Possession of any Broker, he is hereby required, on being informed by the Superintendent of Police or other Constable authorized as aforesaid that such Goods or Articles were stolen, embezzled, or fraudulently obtained, to deposit the same with the Superintendent of Police, in order that they may be produced in such Manner as may be necessary for the Ends of Justice, or upon Proof of Ownership, to the Satisfaction of the Judge, restored to the proper Owner thereof; and every Broker who shall refuse to produce and show the Goods or Articles in his Possession, or the Books in which the same ought or should have been described, on being required so to do, or who shall refuse to allow the Superintendent of Police or Constable requiring the same to subscribe his Name, or who shall not deposit any such Goods or Articles stolen, embezzled, or fraudulently obtained as aforesaid, shall, upon Conviction before a Magistrate, for every such Offence be liable to a Penalty not exceeding Five Pounds, without Prejudice to such Broker being also proceeded against as a Receiver or Resetter of stolen Goods according to Law.

Pawnbroker to produce his Book, on Demand.

CCCXV. Every Pawnbroker shall at all Times during his Hours of Business produce, on Demand, to the Superintendent of Police, or to any Constable acting under him, his Books in which the Articles received by him in Pledge are entered, and shall exhibit to such Superintendent of Police or Constable all Goods regarding which Information shall have been given tending to show or to render probable that the same have been stolen, embezzled, or fraudulently taken, and, if required, shall

shall deposit the same with the Superintendent of Police, for the Ends of Public Justice, on receiving a Receipt for such Goods; and any Pawnbroker who shall refuse to produce his Books, or to exhibit, and, if required, to deposit any Goods as aforesaid, shall for every Offence be liable to a Penalty not exceeding Five Pounds.

Brokers, &c. to report stolen Goods, under a Penalty for Neglect.

CCCXVI. If any Goods or Articles regarding which written or printed Information shall be given by any Constable to any Pawnbroker or Broker as having been stolen, embezzled, or fraudulently obtained, shall then be or thereafter come into the Possession of such Pawnbroker or Broker, such Pawnbroker or Broker shall, without unnecessary Delay, give Information at the Police Office that certain Goods or Articles answering the Description of the said Goods or Articles were offered to him or are in his Possession, and shall also state the Name and Address given by the Party by whom the same were offered or from whom the same were received, under a Penalty not exceeding Five Pounds for each and every such Neglect or Offence: Provided always, that in the Case of Wearing Apparel or other Articles which it may be difficult for such Pawnbroker or Broker to trace out and identify, no Fine shall be exigible in respect of not reporting such Articles, unless it shall appear to the Magistrate that such Articles had been knowingly concealed by such Pawnbroker or Broker.

If stolen Articles be altered or defaced by Broker, he shall be held to be Receiver of stolen Goods.

CCCXVII. If any Broker shall, after receiving Information of the Theft, or the embezzling or the fraudulent Disposal of any Metals, Goods, or Articles, of whatsoever Description, melt, alter, deface, or put away the same, or shall cause the same to be melted, altered, defaced, or put away, without having previously received the Permission of the Magistrate, and if it shall be found that such Metals, Goods, or Articles were stolen, embezzled, or fraudulently disposed of by the Person from whom such Broker received the same, or by any other Person, then and in such Case it shall be held that such Broker knew that such Metals, Goods, or Articles were stolen, embezzled, or fraudulently disposed of, and such Broker shall be proceeded against according to Law as a Receiver of stolen Goods, or as being a Party to the Fraud, and punished accordingly; and no other Evidence of his Guilt shall be necessary than Evidence of such melting, altering, defacing, or putting away, after receiving Information as aforesaid.

Brokers not to carry on Business of Publicans, not to pur-

CCCXVIII. It shall not be lawful for any Broker or any Pawnbroker to carry on Business as a Publican or Retailer of exciseable Liquors, nor for any Broker to purchase, receive, or take the Note or Ticket of any Pawnbroker for any Goods or Articles which have been pawned, or to contract or negotiate

chase Tickets of Pawnbrokers.

tiate in any Manner with the Holder of any such Note or Ticket, or any Person in his Behalf, for the Purchase of Goods or Articles specified therein; and if any Broker shall offend herein, either by himself or his Servant, or any other Person having the Charge of his Premises, and for whom in such Case he shall be held responsible, such Broker shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Pawnbrokers not to act as Brokers, and Brokers not to take Articles in Pledge.

CCCXIX. If any Pawnbroker shall act as a Broker, except in the Sale of Articles *bonâ fide* forfeited in accordance with the Provisions of the Pawnbrokers Act, or if any Broker shall receive or take any Goods or Articles in Pledge, such Pawnbroker or Broker shall, upon Conviction thereof by the Oath of One or more credible Witness or Witnesses, for every such Offence be liable to a Penalty not exceeding Five Pounds.

Pawnbroker and Broker not to carry on Business in the same Premises.

CCCXX. It shall not be lawful for a Pawnbroker and Broker to carry on their respective Trades within the same Premises, or in separate Premises having a Communication with each other; and every Pawnbroker or Broker who shall offend herein shall for every such Offence be liable to a Penalty not exceeding Five Pounds, which Penalty shall be in addition to any Penalty now payable for the like Offence under any Act or Acts now in force.

Penalty on Brokers transacting Business with Persons under 14 Years of Age.

CCCXXI. It shall not be lawful for any Broker at any Time to sell to or purchase from any Person who shall apparently be under Fourteen Years of Age; and if any Broker shall offend herein, either by himself or his Servant or any other Person having the Charge of his Premises, and for whom in such Case he shall be held responsible, such Broker shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on Brokers transacting Business between certain Hours.

CCCXXII. It shall not be lawful for any Broker to sell to or purchase from or have any Business Transaction whatsoever with any Person between the Hours of Ten o'Clock of each *Saturday* Night and Nine o'Clock in the Morning of the following *Monday*, or between Ten o'Clock in any other Night and Eight o'Clock on the following Morning; and if any Broker shall offend herein, either by himself or his Servant or any other Person having the Charge of his Premises, and for whom in such Case he shall be held responsible, such Broker shall on being convicted thereof by the Oath of One or more credible Witness or Witnesses, for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on Pawnbrokers,

CCCXXIII. Any Pawnbroker or Broker who shall, either by himself or his Servant or by any other Person having the Charge

Charge of his Premises or Business, and for whom in such Case he shall be held responsible, and any other Person who shall purchase, receive, or take any Note or Ticket issued by Authority of any Parochial Board or Charitable Institution, or any Article of Clothing issued by Authority of any Parochial Board or Charitable Institution, and legibly marked, or as known by him to be so issued, shall for each such Offence be liable to a Penalty not exceeding Five Pounds, without Prejudice to such Pawnbroker, Broker, or other Person being proceeded against according to Law as a Resetter of stolen Goods.

&c. purchasing Tickets issued by Charitable Institutions.

CCCXXIV. Every Pawnbroker or Broker who shall keep or suffer to be in his Premises any Smelting Pot or Implement for melting, altering, or defacing Gold, Silver, Lead, or other Metals, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and such Smelting Pot or Implement shall be forfeited.

Pawnbrokers not to keep Smelting Pots.

CCCXXV. Every Person licensed as a Broker shall have his Name with the Words "Licensed Broker" painted over the Door or principal Entrance of his Premises, in large Characters, either Black upon a White Ground, or White upon a Black Ground, and shall from Time to Time replace the same when removed, obliterated, or defaced, under a Penalty not exceeding Twenty Shillings.

Brokers to have their Names painted over Shop Doors.

CCCXXVI. It shall be lawful for any Pawnbroker or other Broker or Dealer, or any other Person to whom any Goods or Articles which shall be reasonably suspected to be stolen or illegally obtained shall be offered to be pawned, sold, or delivered, and he is hereby required to detain the Person offering the same, and for any Officer or Constable thereon to take such Person into Custody for the Purpose of being examined by a Magistrate, who may, on Examination, immediately discharge such Person, or may, if he shall see any Ground for believing that the Goods or Articles have been stolen or illegally obtained, remand such Person to the Police Office, or commit him to Prison for a Period not exceeding Three lawful Days, for further Examination, or till Bail be given for his Appearance within the said Term for further Examination, and if on further Examination the Magistrate shall be satisfied that the Goods or Articles were stolen or otherwise illegally obtained he may commit the Person charged to Prison, to be dealt with according to Law: Provided always, that the Superintendent or other Person on Duty at the Police Office or Watch-house to which such Person so offering such Goods or Articles may be taken shall, without Delay, inquire as to the Circumstances attending the Possession

Broker may detain suspected Persons offering Goods for Pledge or Sale.

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Possession of such Goods or Articles, in order to his determining, in the Absence of the Magistrate or Procurator Fiscal, whether the Party shall be immediately discharged or liberated on Bail in manner herein provided; and further, provided that any Pawnbroker, Broker, or Dealer, or any other Person, who shall detain any Person under this Provision, shall be freed from Responsibility, unless Malice be averred and proved.

PART V.

SECTION VI.—*Articles found or stolen or fraudulently obtained.*

Goods or Money found to be reported at Police Office and Penalty if appropriated by Party finding.

CCCXXVII. All Goods, Parcels, Bank Notes, or Money, or other Articles found within the Burgh, and for which at the Time the same are found no Owner may be known, shall be reported at the Police Office by the Person finding the same, who shall also cause an Advertisement to be inserted in any One or more Newspapers in general Circulation in the Burgh; and if any Person who shall find such Goods, Parcels, Bank Notes, Money, or Articles as aforesaid shall take possession thereof, and shall fail to report the same as aforesaid within Forty-eight Hours after such Possession, he shall be deemed guilty of an Offence, and be liable to a Penalty not exceeding Five Pounds; and if any Person who shall find such Goods, Articles, Parcels, Bank Notes, or Money shall take possession thereof, and shall apply the same to his own Use, he shall be deemed guilty of a higher Offence, and be liable to a Penalty not exceeding Ten Pounds, besides restoring the same to the Owner thereof.

Goods stolen or fraudulently disposed of to be delivered up to Owner.

CCCXXVIII. If any Goods or Articles shall be stolen or unlawfully obtained from any Person, or being unlawfully obtained shall be unlawfully pawned, pledged, sold, or exchanged, and Complaint shall be made thereof, and if such Goods shall be found in the Possession of any Broker or other Dealer in Second-hand Property, or of any Person who may have advanced Money upon the Credit of such Goods, it shall be lawful to any Magistrate to issue a Summons or Warrant for the Appearance of such Broker, Dealer, or other Person, and for the Production of the Goods or Articles; and the Ownership of such Goods or Articles being established to the Satisfaction of such Magistrate, he shall order such Goods or Articles to be delivered up to the Owner thereof, either with or without Payment of any Sum, and at such Time as the Magistrate shall think fit; and every Broker, Dealer, or other Person who, being so ordered, shall refuse or neglect to deliver

liver up the Goods or Articles, or who shall dispose of or make away with the same after Notice that such Goods were stolen or unlawfully obtained as aforesaid, or unlawfully pawned, pledged, sold, or exchanged, shall forfeit to the Owner of the Goods the full Value thereof, to be determined by the Magistrate: Provided always, that no Order shall be final, and shall not prevent any Broker or Dealer from recovering Possession of such Goods by Action of Law from the Person into whose Possession they may have come by the Magistrate's Order, so that such Action be commenced within Three Months next after such Order shall be made.

How stolen or unclaimed Goods to be kept.

CCCXXIX. Where any stolen or unclaimed Goods or Effects may be brought to the Police Office, the Superintendent or other Officer of Police shall forthwith enter the same in a Book to be kept in the Police Office for that Purpose, with the Names of the Parties from whom taken or by whom pledged or brought to the Police Office, in which Book the Superintendent or other Officer of Police shall also enter the Date and Manner in which such stolen or unclaimed Goods shall be retained till disposed of.

Unclaimed Goods may be disposed of after Twelve Months.

CCCXXX. Any Goods, Articles, or Money charged as having been stolen or unlawfully obtained, and of which the Owner may be unknown, shall be taken charge of by an Officer specially appointed in the Police Office; and it shall be lawful for any Magistrate, after the Expiration of Twelve Months during which no Owner shall have claimed the same, to grant Warrant for the Sale or Disposal of such Goods, Articles, or Money; and the Proceeds, after deducting Expenses, shall be applied to the Police Purposes of this Act.

PART V.

SECTION VII.—*Suppression of Vagrants.*

Vagrants, Beggars, &c. to be apprehended, and, upon Conviction, imprisoned.

CCCXXXI. It shall be lawful for any Constable to apprehend and bring before the Magistrate all Persons found begging, or exposing Wounds or Deformities, or exposing Children of tender Age to the Inclemency of the Weather, or placing themselves or otherwise acting so as to induce or for the Purpose of inducing the giving of Alms, and all Persons conducting themselves as Vagrants, having no fixed Place of Residence, and no lawful Means of gaining their Livelihood within the Burgh, and all Persons who, after having been convicted of Vagrancy, or of Housebreaking or Theft, are found in possession of any Picklock, Key, Crow, Jack, Bit, or other Implement usually employed in Housebreaking, or

or who, although not previously so convicted, are found in possession of any such Implement, or of any lethal Weapon, or in any Building or Part of a Building or other enclosed Space, for any unlawful Purpose, or who, after having been convicted of Housebreaking or Theft, are found in any public or private Street, or other Place, with Intent to commit any Penal or Police Offence, or in possession of any Article without being able to give a satisfactory Account of their Possession thereof; and such Persons, upon Conviction, shall be liable to be imprisoned for any Period not exceeding Thirty Days, and for a Second or any subsequent Offence to Imprisonment for a Period not exceeding Sixty Days; and if any Money or Article be found upon their Persons, such Money or Article may be forfeited, and applied to the Purposes of this Act.

Procedure to Persons sending out Children to beg.

CCCXXXII. It shall be lawful for any Constable to apprehend and bring before the Magistrate all young Persons found begging, or sent or suffered to go out for that Purpose, within the Burgh, and also the Parents of such young Persons, or other Relations to whose Control they are subject, by whom they have been so sent or suffered to go out, and also any other Persons by whom such young Persons have been so sent out; and on the Complaint being established that such young Persons have been sent out or suffered to go out for that Purpose by their Parents or either of them, or by any other Relation to whose Control they are subject, or have been sent out for that Purpose by any other Person, it shall be lawful for the Magistrate to punish such Parent, Relation, or other Person as a Vagrant or disorderly Person by Imprisonment for a Period not exceeding Thirty Days.

Beggars and Vagrants to be handed over to the Parochial Authorities.

CCCXXXIII. It shall be lawful for any Constable to apprehend and bring before the Magistrate all such Beggars, Vagrants, and idle poor Persons, Men, Women, or Children, strolling or wandering or seeking Relief, or found lying in any Outhouse, Stair, Close, or Area, or other Place within the Burgh; and it shall be lawful for the Magistrate to direct and cause all such Persons as he may not at the Time convict of Begging and Vagrancy, as herein-before provided, to be handed over to the Inspector of the Poor or other Official of the Parish within which such Persons shall have been found, in order that their Claim as Paupers may be investigated and disposed of according to Law.

Penalty against Chain-droppers, Swindlers, &c.

CCCXXXIV. All Chain Droppers, Thimblers, loaded Dice Players, and other Swindlers of that or any similar Description, who shall be found in possession of Implements or Articles for practising Games of Hazard, or who shall exhibit such Implements

ments or Articles in order to induce or entice or who shall induce or entice any Person to play at any Game of Hazard, or who, by any fraudulent Act or Device, shall cozen and cheat or attempt to cozen and cheat any Person, may be convicted before a Magistrate on the Testimony of One or more credible Witness or Witnesses, and on Conviction shall be imprisoned for any Term not exceeding Sixty Days, and shall also at the same Time be sentenced to repay any Money or restore any Property which they may have obtained by means of any such Offence, and failing such Payment or Restoration may, under the same Procedure, be committed to or detained in Prison for any further Term not exceeding Sixty Days.

PART V.

Section VIII.—*Public Bathing.*

Bathing Machines and Bathing.

CCCXXXV. Where any Part of the Seashore or Strand of any River used as a public Bathing Place is within the Burgh the Magistrates may make Byelaws for the following Purposes; that is to say,

For fixing the Stands of Bathing Machines on the Seashore or Strand, and the Limits within which Persons of each Sex shall be set down for bathing, and within which Persons shall bathe:

For regulating the Occupation of such Stands of Bathing Machines, and apportioning the same temporarily among the Owners of such Machines for the Time:

For preventing any indecent Exposure of the Persons of the Bathers:

For regulating the Manner in which and the Times at which the Bathing Machines shall be used, and the Charges to be made for the same:

For insuring that the Bathing Machines shall be kept in a proper State of Repair:

For regulating the Distance at which Boats and Vessels let to Hire for the Purpose of sailing or rowing for Pleasure shall be kept from Persons bathing within such prescribed Limits.

PART V.

Section IX.—*Places of Public Resort and Disorderly Houses.*

Penalty on Victuallers entertaining Constables while on Duty.

CCCXXXVI. Every Person keeping any House, Shop, Room, Place of public Resort, or other Premises within the Burgh, who knowingly harbours or entertains or suffers to remain in his House, Shop, Room, or Premises any Constable during any

Part of the Time appointed for his being on Duty, unless for the Purpose of quelling any Disturbance or restoring Order, or otherwise in the Execution of his Duty, shall for every such Offence be liable to a Penalty not exceeding Twenty Shillings.

Penalty for harbouring disorderly Persons.

CCCXXXVII. Every Person occupying or keeping any House, Shop, Room, Place of public Resort, or other Premises within the Burgh, who shall permit any Breach of the Peace or riotous or disorderly Conduct within any Shop, Cellar, Room, Place of public Resort, House, Office, or other Premises, occupied or rented by him, or shall knowingly harbour Prostitutes, or permit or suffer Men and Women of notoriously bad Fame, or dissolute Boys and Girls, to meet or assemble therein, or shall knowingly lodge, entertain, or harbour, to the Annoyance of the Inhabitants, any Prostitute or idle Rogue or Vagabond, such Person so offending shall for every such Offence be liable in a Penalty not exceeding Ten Pounds, and so from Time to Time, and the Magistrates may further ordain such Offenders to find Caution for their good Behaviour for Twelve Months under a Penalty not exceeding Twenty Pounds, and in the event of such Security not being found, to adjudge the Person offending to Imprisonment for any Term not exceeding Sixty Days: Provided always, that if any Person shall be found guilty of any such Offence a Second Time, it shall be lawful for the Magistrates or any of them, on the Application of Three Householders or of the Procurator Fiscal, to eject and remove such Person summarily from the Premises possessed, occupied, or kept by him, and to impose such further Penalty on such Offender, not exceeding Twenty Pounds, with Costs, as to the Judge may seem fit.

Officers may enter Public Houses on hearing disorderly Noise therein.

CCCXXXVIII. The Superintendent of Police or any Constable shall have Power, by virtue of his Office, at any Time to enter any Building or Part of a Building, or other Place of the following Description, on hearing any disorderly Noise therein, or having Reason to believe or suspect that Persons accused or reasonably suspected of having committed any Offence in respect of which Imprisonment may be awarded, or that any Articles known or suspected to have been stolen or fraudulently obtained, are to be found therein; *viz.*,

Any Place used for the Purpose of Stage Plays or Dramatic Entertainments, or for any Public Show or Exhibition:

Any Singing or Dancing Saloon, Oyster Store, Fish Shop, Eating House, Coffee House, or other such Place:

Any Victualling House, Public House, or House in which Wine, Spirits, Beer, Cider, or other fermented or distilled Liquors are sold, whether licensed or not:

Any common Brothel or House for the Reception of Prostitutes,

tutes, or any House usually frequented by Thieves or loose and disorderly Persons:

Any Building or Part of a Building which is kept or used for a Purpose in Respect of which a Licence is required by the Provisions of this Act:

Any Ship or other Vessel not being employed in Her Majesty's Service:

And if the Keeper of any such Building or Part of a Building or other Place, or any Servant or other Person having the Charge thereof, or the Master or other Person having Charge of such Vessel, shall not admit such Superintendent or Constable when required, such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Penalty for purchasing Wearing Apparel or taking Pawn for spirituous Liquors, or supplying Liquors to Persons under 14 Years of Age.

CCCXXXIX. Any Person licensed to sell Wine, Spirits, Beer, Cider, or other fermented or distilled Liquors by Retail who shall purchase or receive in Pawn any Article of Wearing Apparel, or Bed Clothes, or any Goods, as the Price or as Security for the Price of any fermented or distilled Liquors, shall be liable in a Penalty not exceeding Five Pounds, and in the Case of such Pawn the Article so received shall be restored to the Owner; and any Person licensed as aforesaid who shall supply any Sort of fermented or distilled Liquors to and for the Use on the Premises of such Person of any Boy or Girl apparently under Fourteen Years of Age shall be liable for the First Offence to a Penalty not exceeding One Pound, for the Second Offence to a Penalty not exceeding Two Pounds, and for a Third Offence to a Penalty not exceeding Five Pounds.

Penalty on Persons keeping Places for baiting Animals, and on Persons found therein.

CCCXL. Every Person who within the Burgh keeps or uses or acts in the Management of any House, Room, Pit, or other Place for the Purpose of fighting, baiting, or worrying any Animals shall be liable to a Penalty of not more than Five Pounds, or, in the Discretion of the Magistrate before whom he is convicted, to Imprisonment, with or without Hard Labour, for a Time not exceeding One Month, without any Penalty being imposed; and the Magistrate may, by Order in Writing, authorize the Superintendent of Police, with such Constables as he thinks necessary, to enter any Premises kept or used for any of the Purposes aforesaid, and take into Custody all Persons found therein without lawful Excuse, and every Person so found shall be liable to a Penalty not exceeding Five Shillings; and a Conviction for this Offence shall not exempt the Owner, Keeper, or Manager of any such House, Room, Pit, or Place from any penal Consequences to which he is liable for the Nuisance thereby occasioned.

Power to Superin-

CCCXLI. It shall be lawful for the Superintendent or any Constable

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tendent, &c. to enter Gaming Houses, and seize Implements of Gaming.

Penalties.

Constable of Police, having good Grounds for believing that any House, Room, or Place is kept or used as a Gaming House, to enter such House, Room, or Place, and, if needful, to use Force for the Purpose of effecting such Entry, and to take into Custody all Persons who shall be found therein, and to seize all Tables for and Instruments of Gaming found in such House, Room, or Place, and all Monies and Securities for Money found therein; and the Owner or Keeper of such Gaming House, or other Person having the Care or Management thereof, and also any Person who shall act in any Manner in conducting such Gaming, shall be liable in a Penalty not exceeding Fifty Pounds; and upon Conviction of any such Offender all such Tables and Instruments of Gaming shall be destroyed, and all the Monies and Securities for Money which shall have been seized as aforesaid shall be paid over to the Collector of Police, and applied in the same Way and Manner as Penalties by this Act are directed to be applied; and every Person found within such Premises without lawful Excuse shall be liable in a Penalty not exceeding Ten Pounds.

Proof of Gaming for Money not necessary in support of Prosecution.

CCCXLII. It shall not be necessary in support of any Prosecution under this Act for Gaming in or suffering any Game or Gaming in such Gaming House, or for keeping or using or being concerned in the Management or Conduct of such House, to prove that any Person found playing at any Game was playing for any Money, Wager, or Stake.

PART V.

SECTION X.—*Clocks.*

Power to Commissioners to provide public Clocks.

CCCXLIII. The Commissioners may from Time to Time, as they shall see fit, provide such Clocks as they consider necessary, and cause them to be fixed upon or against any public Building, or, with the Consent of the Owner or Occupier, upon or against any private Building the Situation of which may be convenient for that Purpose, and may cause the Dials thereof to be lighted at Night, and from Time to Time alter and remove any such Clocks to such other like Situation as they shall consider expedient.

PART V.

SECTION XI.—*Fires.*

Penalty for wilfully setting Chimneys on fire.

CCCXLIV. Every Person who wilfully sets or causes to be set on fire any Chimney within the Burgh shall be liable to a Penalty not exceeding Five Pounds: Provided always, that nothing

nothing herein contained shall exempt the Person so setting or causing to be set on fire any Chimney from Liability to be indicted or prosecuted therefor before any Criminal Court.

Penalty for accidentally allowing Chimneys to catch fire.

CCCXLV. If any Chimney within the Burgh catch or be on fire, the Person occupying or using the Premises in which such Chimney is situated shall be liable to a Penalty not exceeding Ten Shillings: Provided always, that such Forfeiture shall not be incurred if such Person prove to the Satisfaction of the Magistrate before whom the Case is heard that such Fire was in nowise owing to Omission, Neglect, or Carelessness of himself or Servant; and provided also, that such Person shall pay the Expenses incurred in extinguishing the Fire, as the same shall be fixed by the Magistrate.

Fire Engines may be provided, and certain Expenses to be recovered.

CCCXLVI. The Commissioners may purchase or provide such Engines for extinguishing Fire, and such Water Buckets, Pipes, and other Appurtenances for such Engines, and such Fire Escapes and other Implements for Safety or Use in case of Fire, and may purchase, keep, or hire such Horses for drawing such Engines, as they think fit, and may build, provide, or hire Places for keeping such Engines with their Appurtenances, and may employ a proper Number of Persons to act as Firemen, and may make such Rules for their Regulation as they think proper, and give such Firemen and other Persons such Salaries and such Rewards for their Exertions in Cases of Fire as they think fit, and shall be entitled to recover from the Owners and Occupiers of the Premises where any Fires shall happen such reasonable Sums of Money as they shall consider just, not exceeding in the whole Fifteen Pounds, or whatever less Sum is equal to One Half of the actual Expenses of extinguishing any such Fire.

Fire Police permitted to go beyond the Limits of the Burgh in certain Cases.

CCCXLVII. The Commissioners may send such Engines, with their Appurtenances, and the said Firemen, beyond the Boundaries of the Burgh, for extinguishing Fire in the Neighbourhood of the Burgh; and the Owner and Occupier of the Premises where such Fire shall have happened shall in such Case jointly defray the actual Expense which may be thereby incurred, and shall also pay to the Commissioners a reasonable Charge for the Use of such Engines, with their Appurtenances, and for the Attendance of such Firemen; and in case of any Difference between the Commissioners and the Owner or Occupier of such Premises, the Amount of the said Expenses and Charge, as well as the Propriety of sending the said Engines and Firemen as aforesaid for extinguishing such Fire (if the Propriety thereof be disputed), shall be determined by the Sheriff, whose Decision shall be final; and the Amount of

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of the said Expenses and Charge shall be recovered by the Commissioners as any Debt may be recovered.

Party Walls to be carried up through the Roof.

CCCXLVIII. The Party Walls of all Buildings erected after the Adoption of this Act shall be carried through and above the Roof to form a Parapet of not less than Twelve Inches in Height, measured at Right Angles with the Slope of the Roof, above the Covering of the Roof of the highest Building to which such Party Wall belongs; and all such Party Walls, and the external Walls of all Buildings erected after the Adoption of this Act in or near any Street, public or private, or within the Curtilage of any House adjoining any such Street, shall be constructed of incombustible Materials, and the Coverings of the Roof thereof shall not, without the previous Consent in Writing of the Commissioners, be constructed of combustible Materials; and it shall not be lawful for the Owner of any Building having, at the Date of the Adoption of this Act, a Roof covered with Thatch or other combustible Material, and contiguous to or adjoining to any other Building, to suffer such Covering to such Roof to remain for a longer Period than Seven Years after such Adoption of this Act, unless with the Consent in Writing of the Commissioners; and every Person who shall erect any Building, or cover any Roof, or suffer the Covering of any Roof to continue, contrary to the Provision herein contained, and who shall not remove or alter the same within One Month after Notice given to him for that Purpose by the Commissioners, shall be liable to a Penalty not exceeding One Pound for every Day that such Building or Covering to such Roof shall so continue.

Walls of Buildings and Coverings of Roofs to be made of incombustible Materials.

PART V.

SECTION XII.—*Ventilation and Cleansing.*

Regulating Construction of Buildings intended as Places for Public Meetings.

CCCXLIX. Before beginning to build any Building intended to be used as a Church, Chapel, or School, or a Place of Public Amusement or Entertainment, or for holding large Numbers of People for any Purpose whatsoever, within the Burgh, the Person intending to build the same shall give Thirty Days Notice in Writing to the Commissioners, and shall accompany such Notice with a Plan and Description of the Manner proposed for its Construction, with respect to the Means of supplying fresh Air to such Building; and no Person shall begin to build such Building until the Manner proposed for its Construction, with respect to the Means for supplying fresh Air, has been approved of by the Commissioners; and in default of sending such Notice, or if any such Building

No Person to begin to build until Plan has been approved by Commissioners.

Building be erected without such Approval, the Commissioners may cause such Building, or such Part of it as they consider necessary, to be pulled down or altered, at the Expense of the Owner, and any Expense incurred by the Commissioners in so doing may be recovered as herein-before provided with respect to ruinous or dangerous Buildings taken down or repaired by the Commissioners; and with regard to such existing Buildings as are at the Adoption of this Act or may thereafter be used for any of the said Purposes, the Commissioners may cause the same to be inspected, and may direct such Means to be taken for their proper Ventilation as to them shall seem fit.

If Commissioners fail to signify their Approval or Disapproval of Plan within 7 Days, Party may proceed to build.

CCCL. Provided always, if the Commissioners fail to signify in Writing their Approval or Disapproval of the Manner of Construction of any new Building, with respect to the Means of supplying fresh Air shown on such Plan and Description as aforesaid, within Seven Days after receiving such Notice, accompanied by such Plan and Description, the Person giving such Notice may, notwithstanding anything herein contained, proceed to build the Building therein referred to in the Manner shown on such Plan and Description, provided that such Building be otherwise in accordance with the Provisions of this Act.

Persons may appeal against Determination of Commissioners.

CCCLI. Provided also, if the Owner or other Person so intending to build or the Owner of any existing Building be dissatisfied with the Determination of the Commissioners as to the said proposed Manner of Construction, he shall have the same Right of Appeal against the Determination of the Commissioners, and such Appeal shall be conducted in the same Manner herein provided in the Case of Appeals against any Order of the Commissioners with respect to Works to be constructed by or subject to the Approval of the Commissioners.

No Cellars under the Height of 7 Feet from the Floor to the Ceiling to be let as Dwellings.

CCCLII. It shall not be lawful to let separately, except as a Warehouse or Storehouse, or to suffer to be occupied as a Dwelling Place, any Cellar whatsoever or any Vault or Underground Room (not being entirely open on One or other of its Sides), which Vault or Room shall be less in Height from the Floor to the Ceiling than Seven Feet, or which shall be less than One Third of its Height above the Level of the Street or Ground adjoining the same, or otherwise shall not have Three Feet at least of its Height from the Floor to the Ceiling above the said Level, with an open Area of Two Feet Six Inches wide from the Level of the Floor of such Vault or Room up to the Level of the said Street or Ground, or which shall not have appurtenant thereto the Use of a Watercloset, or

or which shall not also have a glazed Window made to open to the full Extent of the Half thereof, the Area of which is not less than Nine Superficial Feet clear of the Frame, and a Fireplace with a Chimney or Flue, or which Vault or underground Room, being an inner or back Vault or Cellar let or occupied along with a front Vault or Room as Part of the same Letting or Occupation, has not a ventilating Flue (unless such inner or back Vault or Room shall be Part of a House built before the Adoption of this Act), or which shall not be well and effectually drained by means of a Drain, the uppermost Part of which is One Foot at least below the Level of the Floor of such Vault, Cellar, or Room, after the Commissioners have given Notice to the Owners thereof that the letting of such Cellars, Vaults, or underground Rooms as Dwelling Places is prohibited from that Time forth; and it shall be the Duty of the Commissioners to issue such Notices from Time to Time, as soon as is convenient, until such Notice has been given with respect to every Cellar, Vault, or underground Room occupied as a Dwelling House within the Burgh; and it shall not be lawful, after such Notice, to let or continue to let, or to occupy or suffer to be occupied, separately, as a Dwelling House, any such Cellar, Vault, or underground Room; but any Person considering himself aggrieved by any such Prohibition may, within Ten Days after the same is made known to him, appeal against the same to the Sheriff in manner herein-after appointed with regard to Appeals under this Act.

Cellars in Courts not to be occupied as Dwellings after Letting prohibited.

Penalty on letting such Cellars as Dwelling Places.

CCCLIII. Every Person who lets separately, or who knowingly suffers to be occupied for Hire as a Dwelling, any Vault, Cellar, or Room within the Burgh, contrary to the Provisions of this Act, shall be liable to a Penalty not exceeding Twenty Shillings for every Day during which such Vault, Cellar, or Room is so occupied after Conviction of the First Offence.

Common Stairs to be ventilated and Houses let for short Periods to be cleansed.

CCCLIV. The Owners of all common Stairs and common Passages shall have the same provided with proper Means of Ventilation to the Satisfaction of the Surveyor or Inspector of Cleansing, and shall whitewash or paint the same as often as required to do so by the Surveyor or Inspector of Cleansing, and the Owners of all Premises occupied as Dwelling Houses let for shorter Periods than Six Months shall whitewash and properly cleanse such Premises, and every Part and Pertinent thereof, to the Satisfaction of the Inspector of Cleansing, at least once in the Year, or oftener if required by the Surveyor or Inspector of Cleansing, and any such Owner failing to do so shall be liable to a Penalty not exceeding Forty Shillings.

CCCLV. The

Common Stairs to be cleansed.

CCCLV. The Occupiers of Dwelling Houses in common Stairs shall sweep, wash, and cleanse the Landing Places of the Flats or Storeys in which their Houses are situated, and the Steps leading from such Landing Places to the Flats or Storeys immediately below them, and also any intermediate Landing Place between such Flats or Storeys, at least once in every Week; and if there be more than One Occupier in each Storey or Flat, each Occupier shall sweep, wash, and cleanse such Landing Places and Stairs Week about by Turns; and such Occupiers shall at the same Time also sweep, wash, and cleanse the Passage and Stair, if any, leading from the lowest Step of such common Stair within the Premises to the Street; and any such Occupier who shall fail to sweep, wash, and cleanse as aforesaid shall for every such Failure be liable in a Penalty not exceeding Forty Shillings.

Inspector may enter and cleanse Dwelling Houses, &c., at Expense of Owners.

CCCLVI. It shall and may be lawful, at all reasonable Times, for the Superintendent, Surveyor, or Inspector of Cleansing to enter all Dwelling Houses and other Premises, and their Pertinents, where he has Reason to believe that they are not in a cleanly Condition, or have an Accumulation of Filth therein, and to cleanse and purify the same, and to remove such Filth therefrom, at the Expense of the Owner of such Dwelling Houses and other Premises, reserving to the said Owner his Recourse against the Occupier thereof, if such Accumulation of Filth shall have been caused or suffered to remain by such Occupier: Provided always, that if the Owner or Occupier of any such Dwelling House or other Premises shall object to the Entrance of such Surveyor or Inspector as aforesaid, it shall not be lawful for such Surveyor or Inspector to enter without a Warrant from the Magistrate authorizing him so to do.

Offensive Substances.

CCCLVII. All Persons dealing in Rags, Bones, and other offensive Substances shall at all Times be bound to keep their Premises in which such Articles are kept in a cleanly State, to the Satisfaction of the Superintendent of Police or Inspector of Cleansing, and to fumigate such Premises with Chloride of Lime or other purifying Matter for removing offensive Smells at least Three Times a Week, at the Sight of such Superintendent or Inspector, or of any Person acting under them, and Access shall at all reasonable Times be given to such Superintendent or Inspector, or such other Person acting under them, for such Purpose; and any Person failing therein shall, on Conviction before any One of the Magistrates, on the Testimony of One credible Witness or other legal Evidence, forfeit a Sum not exceeding Two Pounds for

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for each Offence; and if it shall be established before any One of the Magistrates, on the Testimony of Two Medical Practitioners or other Evidence, that the collecting or keeping of Bones or Rags or other Substances in the Vicinity of any Dwelling House, Shop, or other Place is prejudicial to the Health or Comfort of Persons residing or employed therein, it shall be lawful for any One of the Magistrates to order such Rags, Bones, or other Substances to be removed within such Time as they may see proper, and to prohibit such collecting or keeping in future, under a Penalty not exceeding Five Pounds.

PART V.

SECTION XIII.—*Slaughter-houses.*

Commissioners may license Slaughter-houses.

CCCLVIII. The Commissioners may provide and establish fit Shambles or Slaughter-houses for the Purpose of slaughtering Cattle, and for that Purpose may borrow such Sums of Money as they shall find necessary on the Security of the Police Assessment, and of the Rates to be taken and levied for the Use of such Shambles and Slaughter-houses, and of the Shambles or Slaughter-houses and Ground on which the same are erected, or on any One or more thereof, and they may also license such Slaughter-houses as they from Time to Time think proper for slaughtering Cattle within the Burgh.

No Slaughter-houses in future to be erected without a Licence.

CCCLIX. No Place shall be used or occupied as a Slaughter-house within the Burgh unless and until a Licence for the Erection thereof, or for the Use and Occupation thereof as a Slaughter-house, have been obtained from the Commissioners; and every Person who, without having first obtained such Licence as aforesaid, uses as a Slaughter-house any Place within the Burgh, shall for each Offence be liable to a Penalty not exceeding Five Pounds, and a like Penalty for every Day after the Conviction for such Offence upon which such Offence is continued.

Commissioners may make Byelaws for Regulation of Slaughter-houses, &c.

CCCLX. The Commissioners shall from Time to Time, by Byelaws to be made and confirmed in the Manner herein-after provided, make Regulations or Byelaws for the licensing, registering, and Inspection of Slaughter-houses, and preventing Cruelty in Slaughter-houses, and for keeping the same in a cleanly and proper State, and for removing Filth at least once in every Twenty-four Hours, and requiring them to be provided with a sufficient Supply of Water, and they may impose pecuniary Penalties on Persons breaking such Byelaws; provided that no such Penalty exceed for any One Offence the Sum of Five Pounds, and in the Case of a continuing Violation of such

such Regulations or Byelaws the Sum of Ten Shillings for every Day during which such Nuisance shall be continued after the Conviction for the First Offence.

Licence of Slaughter-houses may be suspended in addition to Penalty imposed.

CCCLXI. The Magistrate before whom any Person is convicted of killing or dressing any Cattle contrary to the Provisions of this Act, or of the Non-observance of any of the Byelaws or Regulations made by virtue of this Act, in addition to the Penalty imposed on such Person under the Authority of this Act, may suspend for any Period not exceeding Two Months the Licence granted to such Person under this Act; and such Magistrate, upon the Conviction of any Person for a Second or other subsequent like Offence, may, in addition to the Penalty imposed under the Authority of this Act, declare the Licence granted under this Act revoked; and whenever the Licence of any such Person is revoked as aforesaid the Commissioners may refuse to grant any Licence whatever to the Person whose Licence has been so revoked.

Penalty for Slaughtering Cattle during Suspension of Licence, &c.

CCCLXII. Every Person who, during the Period for which any such Licence is suspended, or after the same is revoked as aforesaid, slaughters Cattle in the Slaughter-house to which such Licence relates, or otherwise uses such Slaughter-house, or allows the same to be used as a Slaughter-house, shall be liable to a Penalty not exceeding Five Pounds for such Offence, and a further Penalty of Five Pounds for every Day on which any such Offence is committed after the Conviction for the First Offence.

If Commissioners provide Slaughter-houses, no other Places to be used.

CCCLXIII. If the Commissioners resolve to provide and establish, and do provide and establish, Shambles or Slaughter-houses, as herein provided, or in virtue of Powers contained in any Local Act, no Person shall thereafter slaughter any Cattle or Beasts, or scald or dress the Carcasses of any slaughtered Cattle, or cause the same to be done, within the Boundaries of the Burgh in which such Slaughter-houses are provided, or within a Distance of Two Miles beyond such Boundaries, elsewhere than within the said Slaughter-houses, under a Penalty of Five Pounds for each Offence; and to prevent Evasion of the Use of such Slaughter-houses, all Persons who shall, after such Slaughter-houses are provided, bring within the Boundaries of the Burgh, for Sale or Consumption therein, the Carcass or Part of a Carcass of any Cattle or Beast slaughtered beyond the Distance of Two Miles of the said Boundaries, shall, on their bringing such Carcass or Part of a Carcass within the said Boundaries, be liable in Payment to the Commissioners or their Collector for the Time being of the same Dues as shall at the Time be leviable for Cattle or Beasts slaughtered in such Slaughter-houses; and it shall

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shall and may be lawful for the Commissioners to demand and take, for the Use of the said Slaughter-houses, such reasonable Rate or Sum as may be agreed on and fixed between them and the Persons using the same; and in case of Difference as to the Rate to be taken for the Use of such Slaughter-houses, the same shall, upon the Application of either Party, and after Seven Days previous Notice to the other Party of such intended Application, be fixed and determined by the Sheriff in a summary Manner, without written Pleadings, and the Decision of the Sheriff shall be final and conclusive, and not subject to Review.

PART V.

SECTION XIV.—*Markets.*

Commissioners Powers as to Markets, &c.

CCCLXIV. The Commissioners shall have Power to do the following Things or any of them:

To improve any existing Market Places within the Burgh:

To provide a Market Place, and construct a Market House and other Conveniences, for the Purpose of holding Markets:

To provide Houses and Places for weighing Carts:

To make convenient Approaches to such Market:

To provide all such Matters and Things as may be necessary for the convenient Use of such Market:

To take Stallages, Rents, and Dues in respect of the Use by any Person of such Market House:

But no Market shall be established in pursuance hereof so as to interfere with any Rights, Powers, or Privileges enjoyed by any Person, Chartered Joint Stock or Incorporated Company, without his or their Consent.

For the Purpose of enabling the Commissioners to establish Markets in manner foresaid, or to improve and regulate Markets already established in any Burgh, there shall be incorporated with this Act the Provisions of "The Markets and Fairs Clauses Act, 1847," in so far as the same relate to Markets:

With respect to the holding of the Market or Fair and the Protection thereof; and

With respect to the weighing Goods and Carts; and

With respect to the Stallages, Rents, and Tolls; and

With respect to Byelaws:

Subject to this Proviso, that all Tolls leviable by the Commissioners in pursuance of this Act shall be approved of by the Sheriff of the County within which such Market is situate.

PART V.

SECTION XV.—*Special Orders.*

As to certain Matters authorized to be done by the Commissioners by Special Order only.

CCCLXV. Where by this Act the Commissioners are empowered to do any Thing by Special Order only, it shall not be lawful for them to do such Thing unless the Resolution to do the same have been agreed to by Two Thirds of the Commissioners present at a Meeting whereof special Notice has been given, and has been confirmed by Two Thirds of the Commissioners present at a subsequent Meeting held not sooner than Four Weeks after the preceding Meeting, and which subsequent Meeting has been advertised once at least in each of the Weeks intervening between the Two Meetings in some Newspaper circulating within the Burgh, if any be, or otherwise in some Newspaper circulating in the County in which the Burgh is situated, and of which special Notice in Writing has been given to each of the Commissioners.

Final Resolution not to be carried into effect for One Month, nor then if Householders remonstrate against the same.

CCCLXVI. Provided always, That after any Resolution has been confirmed in a subsequent Meeting as aforesaid the Commissioners shall not proceed to carry the same into effect until after the Expiration of One Month from the Date of such second Meeting, and during such Month such Resolution shall be advertised once at least in each Week in such Newspaper as aforesaid, and public Notice thereof shall also be given by means of Placards posted in public Places within the Burgh, and Reference shall, in such Advertisement and Notice, be made to some Place provided by the Commissioners where the Plan or Particulars of the Work or Matter to which such Resolution relates may be gratuitously seen by the Ratepayers; and if before the Expiration of such Month a Remonstrance in Writing by Seven or more Householders against carrying into effect such Resolution or any Part thereof be lodged with the Commissioners, such Resolution, or such Part thereof as such Remonstrance applies to, shall not be carried into effect unless confirmed by a Majority of the Householders qualified and voting at the Poll to be taken thereanent; and upon such Remonstrance being lodged as aforesaid the Commissioners, or the Chief or Senior Magistrate of such Burgh, shall be bound to direct a Poll to be taken in the Manner prescribed in regard to Polls of Householders taken with reference to the Adoption of this Act; and the whole Enactments and Procedure provided in regard to such Polls shall, so far as applicable, extend and apply to the Poll hereby authorized and directed to be taken: Provided

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Provided always, that where any such Remonstrance applies to Part only of such Resolution, the Commissioners may either carry into effect the Remainder of such Resolution, or rescind the same, as they think fit; but provided also, that if the said Resolution shall not be so confirmed, it shall be lawful to the Commissioners, as often as they shall think proper thereafter, but not sooner than One Year from the Date of any preceding Resolution, by such and the like Procedure again to adopt the same, but such Resolution shall always be subject to be confirmed by the Householders in the event of a Remonstrance being made there against, all in manner above provided.

Places for public Recreation;

CCCLXVII. The Commissioners may, by Special Order, as herein defined, but not otherwise, resolve to and may purchase, rent, or otherwise provide Lands, Grounds, or other Places, either within the Burgh, or at a reasonable Distance therefrom, not exceeding Three Miles from the Centre of the principal Market Place, if any, or from the principal Office of the Commissioners, to be used as a Pleasure Ground or Place of Public Resort or Recreation; and the Commissioners may from Time to Time level, drain, plant, and otherwise lay out and improve any such public Lands or Grounds for the more convenient Use and Enjoyment thereof.

and public Bathing Places and Drying Grounds.

CCCLXVIII. The Commissioners may from Time to Time, by Special Order, as herein defined, but not otherwise, resolve to and may purchase, rent, or otherwise provide, either within the Burgh, or at a reasonable Distance therefrom, suitable and convenient Premises to be used for public Baths and Wash-houses, and public open Bathing Places, and public Drying Grounds, for the Use and Accommodation of the Inhabitants within the Burgh in washing and drying Clothes and other Articles, and may fit up the same respectively with all requisite and proper Conveniences, and from Time to Time enlarge, renew, and repair the same respectively, and afford the Use thereof respectively to such Inhabitants at such reasonable Charges and under and subject to such Regulations as the Commissioners may deem expedient; and every Person who offends against any such Regulations shall be liable to a Penalty not exceeding Forty Shillings for every Offence.

Proportion of Baths for the Working Classes.

CCCLXIX. Provided always, That the Number of Baths for the Use of the Working Classes provided by the Commissioners in any Burgh shall not be less than twice the Number of the other Baths of any higher Class.

CCCLXX. The Commissioners may from Time to Time make such

such reasonable Charges for the Use of such Baths, Bathing Places, Wash-houses, and Drying Grounds as they think fit. Charges for the Use of Baths.

CCCLXXI. For the Recovery of the Charges at such Wash-houses and Drying Grounds, the Officers, Servants, and others having the Management thereof may, at the Period of using the same, or at any subsequent Time, detain the Clothes or other Goods and Effects, in or upon any such Wash-house or Drying Ground, of any Person refusing to pay the Charge to which such Person may be liable, or any Part thereof, till full Payment thereof be made; and in case such Payment be not made within Seven Days, the Commissioners may sell such Clothes, Goods, and Effects, or any of them, returning the surplus Proceeds of such Sale, after deducting the unpaid Charge and the Expenses of such Detention and Sale, and the unsold Articles, if any, on Demand, to such Person. Recovery of Charges for the Use of Baths, &c.

CCCLXXII. A printed Copy or sufficient Abstract of the Byelaws made by the Commissioners relating to the Use of such Baths, Bathing Places, and Wash-houses, so far as regards every such Bath, Bathing Place, or Wash-house, shall be put up in such Bath-room, Bathing Place, and Wash-house. Publication of Byelaws in regard to Baths, &c.

CCCLXXIII. Whenever any of such public Baths, Bathing Places, Wash-houses, or Drying Grounds are deemed by the Commissioners to be unnecessary or too expensive to be kept up, the Commissioners may, by Special Order, as herein defined, but not otherwise, discontinue the same, and sell the Lands, Buildings, and Materials for the best Price that can reasonably be obtained, and convey the same accordingly; and the Purchase Money shall be paid to the Treasurer of the Commissioners, and be disposed of as the Commissioners direct. Sale of Baths, &c. on discontinuing them.

CCCLXXIV. The Commissioners may, by Special Order as herein defined, but not otherwise, resolve to acquire and may acquire Ground for the Erection of and may thereafter erect thereon a Public Hall and Offices, with all public Conveniences thereto, and may repair the same from Time to Time, and furnish and fit up the same, and employ proper Persons to take care thereof; and for that Purpose it shall be lawful to them to apply, for a Period not exceeding Twenty Years, the General Improvement Assessment hereby authorized to be levied, or such Portion thereof as they may think proper, towards the Expense of such Acquisition, Erection, furnishing, and fitting-up; and they shall be and are hereby authorized, upon the Security of the said General Improvement Assessment, to borrow, as herein-after provided with regard to the borrowing of Money for Police Purposes, such Sum as they may require for the Purpose. Commissioners may erect a Public Hall, &c.

PART

PART VI.

PART VI.

POWERS AND REMEDIES.

PART VI. *Powers and Remedies.* Sect. 1.

SECTION I.—*Byelaws to be made by virtue of this Act.*

Byelaws.

CCCLXXV. The Commissioners may from Time to Time make such Byelaws as they think fit for the several Police Purposes for which they are by this Act empowered to make Byelaws, and from Time to Time repeal, alter, or amend any such Byelaws, provided such Byelaws be not repugnant to the Law of *Scotland*, or the Provisions of this Act, and be reduced into Writing, and have affixed thereto the Signatures of Two of the Commissioners and the Clerk, and, if affecting other Persons than the Officers or Servants of the Commissioners, be confirmed and published as herein provided.

Byelaws may be enforced by Imposition of Penalties.

CCCLXXVI. The Commissioners, by the Byelaws so to be made by them, may regulate the Fees to be paid to them or to their Officers, or others employed by them in connection with the Inspection of Plans, Records, or other Documents in their Possession, and with Applications for their Sanction or Authority to the Execution of Works to which by this Act such Sanction or Authority is requisite, and may further impose such reasonable Penalties as they think fit, not exceeding Forty Shillings for each Breach of such Byelaws: Provided always, that such Byelaws be so framed as to allow the Magistrate before whom any Penalty imposed thereby is sought to be recovered to order the whole or part only of such Penalty to be paid, or to remit the whole Penalty.

Byelaws to be confirmed.

CCCLXXVII. No Byelaw made by the Commissioners under the Authority of this Act, except such as relate solely to the Commissioners or their Officers or Servants, shall come into operation until the same be confirmed by the Sheriff and authenticated by his Signature; and it shall be incumbent on the Sheriff, on the Request of the Commissioners, to inquire into any Byelaws tendered to him for that Purpose, and to allow or disallow the same as he may think meet.

Notice of Confirmation to be given.

CCCLXXVIII. No such Byelaws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same have been given in One or more Newspapers circulating within the Burgh, if any be, or otherwise in some Newspaper circulating in the County in which the Burgh is situated, One Month at least before the Hearing of such Application; and any Person desiring to object to any such Byelaw, on giving to the Commissioners Notice of the Nature of his Objection Ten Days before the Hearing of the Application for the

the Allowance thereof, may, by himself, or his Counsel or Agent, be heard thereon, but not so as to allow more than One objecting Party to be heard on the same Matter of Objection.

A Copy of proposed Byelaws to be open to Inspection.

CCCLXXIX. For One Month at least previous to any such Application for Confirmation of any Byelaw a Copy of the proposed Byelaws shall be kept at the Office of the Clerk of the Commissioners, and all Persons may at all reasonable Times inspect such Copy without Fee or Reward; and the Commissioners shall furnish every Person who applies for the same with a Copy thereof, or of any Part thereof, on Payment of Sixpence for every One hundred Words so to be copied.

Publication of Byelaws.

CCCLXXX. Such Byelaws, when Confirmed, shall be printed; and the Clerk to the Commissioners shall deliver a printed Copy thereof to every Person applying for the same at a Charge not exceeding One Penny; and a Copy thereof shall be painted or printed or placed on Boards, which shall be hung up on the Front or in some conspicuous Part of the principal Office of the Commissioners, and also on some conspicuous Part of the Works or Locality to which the same relate, for a Period of not less than Three Months after the Date of such Confirmation; and any such Clerk who does not allow the same to be inspected at all reasonable Times shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Byelaws to be binding on all Parties.

CCCLXXXI. Such Byelaws, when so confirmed and published, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same.

Evidence of Byelaws.

CCCLXXXII. The Production of a written or printed Copy of the Byelaws as confirmed by the Sheriff, certified by the Clerk, and a written or printed Copy of the Byelaws not requiring such Confirmation, authenticated by the Signature of the Clerk, shall be Evidence of the Existence and of the due making of such Byelaws in all Prosecutions under the same; and with respect to the Proof of the Publication thereof, it shall be sufficient to prove that a Board containing a Copy thereof was affixed and continued in the Manner by this Act directed, and in case of its being afterwards displaced or damaged that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted Board did not contain a Copy of the Byelaw under which he is prosecuted, or that it was not duly affixed or continued as required by this Act.

Penalty on pulling down Boards.

CCCLXXXIII. Any Person who destroys, pulls down, injures, or defaces any Board on the Premises of the Commissioners, on which any Byelaw of the Commissioners is painted or placed, shall for Every such Offence be liable to a Penalty not exceeding Five Pounds.

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PART VI.

SECTION II.—*Borrowing of Money for the Police Purposes of this Act.*

Power to Commissioners to borrow Money for the Purposes of this Act.

CCCLXXXIV. It shall be lawful for the Commissioners to borrow and take up, for any of the Purposes of this Act, other than the Construction, Alteration, or Maintenance of Sewers as herein-before provided, or for Repayment of any Monies borrowed for such Purposes under this or any former Acts which shall have fallen due to the Lenders thereof, such Sum or Sums and at such Time or Times as the Commissioners shall deem necessary for such Purposes: Provided always, that in all Cases where it shall be necessary to borrow any Sum or Sums for the said Purposes of this Act, it shall be lawful for the Commissioners and they are hereby authorized and required, at their first Annual Meeting for Assessment after such borrowing, if the respective Rates of Assessment then leviable do not amount to the respective maximum Rates by this Act authorized, to assess all Owners or Occupiers of Premises within the Burgh respectively liable in the several Assessments under this Act in such additional Assessments beyond the Sums necessary for such respective Purposes as will produce a Fund equal to Five *per Centum per Annum* upon the Sum or Sums so borrowed respectively, and also to the annual Interest of such borrowed Sum or Sums, which Sum of Five *per Centum per Annum* the Commissioners shall annually appropriate, set apart, and invest, at the highest Rate of Interest which can be had for the same, in the Public Funds, or in any chartered or other Bank, or on Heritable Security, as a Sinking Fund, applicable and to be applied by the Commissioners from Time to Time to the Repayment of the Monies borrowed until the respective Debts shall be extinguished: Provided always, that such additional Assessment shall at no Time increase the whole Assessment leviable beyond the maximum Rates of Assessment, as the Case may be, allowed by this Act; and provided also, that no Sum of Money shall be borrowed until an Estimate of the Amount required shall have been laid before the Commissioners, or until the Expiration of Six Weeks after public Notice shall have been given by the Commissioners of the Amount so proposed to be borrowed, and the Purpose to which the borrowed Money is to be applied, in some Newspaper in ordinary Circulation within such Burgh; and provided further, that the Proposal to borrow shall be disposed of at the next Meeting of the Commissioners Six Weeks after such public Notice, and that the Sum borrowed shall not exceed the Amount so advertised

advertised, without a further Estimate and Notice in manner above provided.

Commissioners not to be personally liable.

CCCLXXXV. No Commissioner or Officer acting under the Commissioners shall be personally liable for the Repayment of any Money so borrowed, but all such Obligations shall be deemed and taken to be granted on the sole Security of the Rates and Assessments authorized to be assessed and levied as herein-before provided.

As to Bonds to be granted.

CCCLXXXVI. All Bonds for Monies to be borrowed as aforesaid shall be signed by the Treasurer or Collector of the Commissioners in Presence of Two of the said Commissioners, who shall sign as Witnesses thereto, and shall be in the Form and Tenor following; *videlicet*,

'Number [*here state the Number*].

'BY virtue of an Act made in the Year 'of the Reign of Her Majesty Queen Victoria, intituled '"An Act" [*specify this Act*], I *A.B.* [*state whether Treasurer 'or Collector, or both*] of the Commissioners of Police for the 'Burgh of [*insert the Name of the Burgh*], and by Authority 'of the said Commissioners, in consideration of the Sum of '[*insert the Sum in Words*] instantly advanced and paid to 'me on account of the said Commissioners, and for the Pur-'poses of the said Act, by *C.D.* of *E.*, do hereby bind and 'oblige the said Commissioners for the Time being, out of the 'first and readiest of the Monies to be raised under the annual 'Assessments by the said Act authorized to be imposed and 'levied, and designated the Assessment or Rate '(*as the Case may be*), to pay at the Term of [*insert Term of 'Payment*] to the said *C.D.*, his Executors or Assignees, the 'said Sum of [*state the Sum*], and also the Interest thereof at 'the Rate of [*insert the Rate of Interest*] per Centum per 'Annum from the Date hereof, at the Terms of Whitsunday 'and Martinmas in each Year, till the said Sum is paid; and 'for the further Security of the said *C.D.* I do hereby assign 'to him, his Executors or Assignees, such Proportion of the 'said Monies to be raised under the said annual Assessment 'as shall be equivalent to the said Sum now paid to me, and 'the Interest thereon as aforesaid from the Date hereof to the 'Term of Payment; and I consent to the Registration hereof 'in the Books of Council and Session, or others competent, for 'Preservation, and that all competent Diligence may pass and 'be directed hereon, in Form as effeirs, and thereto constitute 'my Procurators. In witness whereof '[*insert Testing Clause in common Form*].

'*K.L.*, Commissioner. *A.B.*'

'*M.N.*, Commissioner.'

And

And till Repayment such Bonds respectively shall form a Lien on the Rates and Assessments under this Act assigned by such Bond, and shall entitle the Creditor under the same to recover the Contents thereof from the Commissioners and their Officers out of the first and readiest of such Rates and Assessments.

Bonds may be transferred by Indorsement.

CCCLXXXVII. Such Bonds may be assigned by Indorsation on the Back thereof in the Form and Tenor following; *videlicet,*

'I *C.D.*, within designed, do transfer this Bond, with all 'Right, Title, or Interest which I have under the same, 'to *E.F.*, his [*or* her, *or* their, *as the Case may be*,] Executors 'and Assignees. In witness whereof [*insert Testing Clause 'in common Form*].

'*C.D.*'

'*K.L.*, Witness.
'*M.N.*, Witness.'

Bonds to be recorded, and Assignations to be registered.

CCCLXXXVIII. Before such Bond shall be delivered to the Creditor, or shall form a valid Lien on the Rates and Assessments as aforesaid, the same shall be recorded in the Sederunt Book of the Commissioners, and a Certificate of such Registration shall be indorsed on such Bond, and signed by the Clerk of the Commissioners; and such Assignations shall be notified to the Clerk of the Commissioners, who shall enter in the said Sederunt Book the Date of the said Assignation, the Names of the Parties thereto, the Number or Mark of such Bond, and the Interest due on the same; and a Certificate of such Entry shall be indorsed on the said Bond, and signed by the Treasurer and Clerk; and the said Bond being so certified, the Assignee, his Executors and Assignees, shall thereafter be entitled to the full Benefit of such Bond in Terms of such Assignation.

Public Loan Commissioners may lend Money.

CCCLXXXIX. It shall be lawful for the Commissioners acting in the Execution of the Act passed in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, Chapter Seventeen, and in the Execution of any of the Acts recited in that Act, or of any Act or Acts for amending or continuing the same, to make Advances to the Commissioners upon the Security of all or any of the Monies or Rates to be assessed or levied by them under the said recited Acts or this Act, and without requiring any further or other Security than a Mortgage of such Monies or Rates, repayable by such Instalments within a Period not exceeding Thirty Years as shall in each Case be agreed upon.

PART VI.

SECTION III.—*Purchase and Acquisition of Lands.*

Part of 8 & 9 Vict. c. 17. incorporated.

CCCXC. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," shall be incorporated with and form Part of this Act with respect to the Provisions thereof as to acquiring Lands by Agreement.

Rights of Heritable Property how to be taken.

CCCXCI. The Rights of all Heritable Property to be acquired in the Execution of this Act shall be taken in favour of the Clerk of the Commissioners for the Time, and his Successors in Office; and such Rights shall be sufficient for vesting the Subjects in the Commissioners and their Successors in Office.

PART VI.

SECTION IV.—*Execution of Works by Commissioners.*

Commissioners empowered to enter upon Premises for Purposes of this Act.

CCCXCII. The Commissioners shall for the Police Purposes of this Act have Power, by themselves or their Officers, to enter at all reasonable Hours in the Daytime into and upon any Premises within the Burgh, as well for the Purpose of Inspection as for the Purpose of executing any Work authorized to be executed by them under this Act, without being liable to any legal Proceedings on account thereof: Provided always, that, except when herein otherwise provided, the Commissioners or their Officers shall not make any such Entry, unless with the Consent of the Occupier, until after the Expiration of Forty-eight Hours Notice for that Purpose given to the Occupier.

Penalty on Persons obstructing Commissioners or Constables in their Duty.

CCCXCIII. Every Person who shall at any Time obstruct the Commissioners, or shall resist, obstruct, or molest any Constable, Officer, Watchman, Workman, or other Person employed in the Execution of any Duty or the Performance of any Work, by virtue of this Act, or of any Warrant of the Magistrates, or any of them, or of any Byelaw, Regulation, or Order of the Commissioners, or shall aid or incite any Persons so to do, or shall not, when required by a Constable, afford him every reasonable Aid and Assistance in preventing the Escape of any Person whom he has taken into Custody, and is conveying to the Police Office or to Prison, such Person so offending shall for every such Offence be liable to a Penalty not exceeding Five Pounds; and if any Person shall assault or strike any such Constable, Officer, Watchman, Workman, or other Person employed as aforesaid, or aid or incite any Person to rescue or attempt to rescue any Prisoner whom any

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any such Constable, Officer, Watchman, or other Person shall have in Custody, or be aiding to secure such Person so offending, shall for every such Offence be liable to a Penalty not exceeding Ten Pounds, without Prejudice to any Constable, Watchman, or other Person on whom such Assault or Offence may have been committed to sue in any competent Court for Compensation, Damages, or Expenses for any Injury or Loss he may thereby have sustained.

Commissioners to give Notice of new Levels or Sewers.

CCCXCIV. Twenty-eight Days at the least before fixing the Level of any Street which has not been theretofore levelled or paved, and before making any Sewer where none was before, or altering the Course or Level of or abandoning or stopping any Sewer, the Commissioners shall give Notice of their Intention by posting a printed or written Notice in a conspicuous Place at each End of every such Street through or in which such Work is to be undertaken, which Notice shall set forth the Name or Situation of the Street intended to be levelled or paved, and the Names of the Places through or near which it is intended that the new Sewer shall pass, or the existing Sewer be altered or stopped up, and also the Places of the Beginning and the End thereof, and shall refer to the Plans of such intended Work, and shall specify a Place where such Plans may be seen, and a Time and Place where all Persons interested in such intended Work may be heard thereupon.

Meeting of Commissioners to hear Objections.

CCCXCV. The Commissioners shall meet at the Time and Place mentioned in the said Notice to consider, in the Presence of the Surveyor of the Commissioners, any Objections made against such intended work, and all Persons interested therein, or likely to be aggrieved thereby, shall be entitled to be heard before the Commissioners at such Meeting; and thereupon the Commissioners may, in their Discretion, abandon or make such Alterations in the said intended Work as they judge fit; and no such Work to which any Objection is made at such Meeting shall be executed unless the Surveyor of the Commissioners, after the Person making such Objection, or his Agent, has been heard, certify that the Work in his Judgment ought to be executed, nor shall such Work be begun until the End of Seven Days after an Order for the Execution thereof has been duly made by the Commissioners, and entered in their Books.

Persons aggrieved by Orders of Commissioners may appeal to the Sheriff.

CCCXCVI. Any Person liable to pay or to contribute towards the Expense of any of the Works aforesaid, or otherwise aggrieved by any Order of the Commissioners relating thereto, may, at any Time within Seven Days next after the making of any such Order, give Notice in Writing to the Commissioners that he intends to appeal against such Order

to the Sheriff, and along with such Notice he shall give a Statement in Writing of the Grounds of the Appeal; and if within Four Days next after giving such Notice the Party grant Bond to the Sheriff, with Two sufficient Cautioners to the Satisfaction of the Sheriff, to abide the Order of the Sheriff, and pay such Costs as shall be awarded by the Sheriff thereupon, the Work so appealed against shall not be begun until after the Judgment of the Sheriff upon such Appeal; and the Sheriff, upon due Proof of such Notice, and upon such Caution being found, shall hear and determine the Matter of the Appeal, and shall make such Order thereon, either confirming, quashing, or varying the same, and shall award such Costs to either of the Parties, as the Sheriff, in his Discretion, thinks fit: Provided always, that the Appellant shall not be heard in support of such Appeal unless such Notice and Statement have been given and such Caution found as aforesaid, nor, on the Hearing of such Appeal, shall he go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

Notice to be given by Commissioners, and Appeal to the Sheriff.

CCCXCVII. And in respect to Appeal as to all other Matters and Things which the Commissioners are by the Police Provisions of this Act empowered to do or perform, or to authorize to be done or performed, and the Cost attending which falls by this Act to be provided for by way of Private Improvement Assessment, the Commissioners shall, where not otherwise hereby directed, give Notice of their Intention to do or perform or to authorize to be done or performed such Matter or Thing, either by public Advertisement in some Newspaper circulating in the Burgh or in the County in which the Burgh is situated, or by posting Handbills in conspicuous Places in the Burgh, or by Notice in Writing to be transmitted through the Post Office, or delivered personally, or at their Dwelling Houses, to the Individuals having Interest, as the Commissioners shall think proper; and it shall be lawful for any Person whose Property shall be taken or affected, and who shall consider himself injured or aggrieved in respect of such other Matters and Things by this Act so directed to be done or performed and provided for, to appeal to the Sheriff from any Order made or Notice given by the Commissioners in respect of such Matters or Things, in the Manner and to the Effect herein last before provided and directed; and if such Matter or Thing shall not be made the Subject of Appeal to the Sheriff, or being appealed shall be allowed by him, the Commissioners may proceed with the same, and levy the Assessments in reference thereto authorized by this Act: Provided always, that all such Appeals provided for in this and

Appeals to be dis-

posed of summarily, and Decision of the Sheriff final.

and the immediately preceding Clause, and all other Appeals to the Sheriff allowed by this Act, not otherwise provided for, shall be disposed of summarily, and the Decision of the Sheriff shall in all Cases be final and conclusive, and not subject to Review by Suspension, Reduction, or Advocation, or in any manner of way.

PART VI.

Section V.—*Execution of Works by Owners.*

As to Service of Notice on Owners and Occupiers.

CCCXCVIII. Where under this Act any Notice is required or falls to be given to the Owner or Occupier of any Premises in reference to the Police Purposes of the Act, such Notice, addressed to the Owner or Occupier thereof, as the Case may require, may be served on the Occupier of such Premises, or left with some Inmate of his Abode, or, if there be no Occupier, may be put up on some conspicuous Part of such Premises; and it shall not be necessary in any such Notice to name the Occupier or the Owner of such Premises: Provided always, that when the Owner of any such Premises and his Residence are known to the Commissioners, it shall be the Duty of the Commissioners, if such Owner be resident within the Burgh, to cause every Notice required to be given to the Owner to be served on such Owner, or left with some Inmate of his Abode; and if such Owner be not resident within the Burgh, they shall send every such Notice by Post, addressed to the Residence of such Owner.

Commissioners, in default of Owner or Occupier, may execute Works, and recover Expenses.

CCCXCIX. Whenever, under the Police Provisions of this Act, any Work of any Kind falls to be executed by the Owner or Occupier of any Premises, and Default is made in the Execution of such Work, the Commissioners may cause such Work to be executed, and the Expense incurred by the Commissioners in respect thereof shall be repaid to them by such Owner or Occupier.

Occupier, in default of Owner, may execute Works, and deduct Expenses from his Rent.

CCCC. Whenever Default is made by the Owner of any Premises in the Execution of any Work which by the Police Provisions of this Act falls to be executed by him, the Occupier of such Premises may, with the Approval of the Commissioners, cause such Work to be executed, and the Expense thereof shall be repaid to such Occupier by the Owner of such Premises, and such Occupier may deduct the Amount of such Expense out of the Rent from Time to Time becoming due to such Owner.

How Expenses are to be re-

CCCCI. If the Owner of any Premises made liable by the Police Provisions of this Act for any Rate, Assessment, or Charge for the Repayment to the Commissioners of any Expenses

penses incurred by them do not, as soon as the same become due and payable from him, pay such Rate, Assessment, or Charge, or repay all such Expenses to the Commissioners, the Commissioners may, without Prejudice to the Power hereinbefore contained, recover such Rate, Assessment, Charge, or Expenses, with the legal Interest thereof from the Time when the same was due and payable, from such Owner, in the same Manner as any Debt may be recovered by the Law and Practice of *Scotland*.

Recovered from Owner.

CCCCII. The Commissioners may, by way of additional Remedy, require the Payment of all or any Part of such Rate, Assessment, Charge, or Expenses, and Interest, payable by the Owner for the Time being from the Person who then or at any Time thereafter occupies any such Premises under such Owner; and in default of Payment thereof by such Occupier, on Demand, the same may be levied by Seizure and Sale of the Goods and Effects of such Occupier, in the same Manner as the Police Assessment may be recovered from him under this Act; and every such Occupier shall be entitled to deduct from the Rent payable by him to his Landlord so much as is so paid by or recovered from him in respect of any such Assessment, Charge, or Expenses and Interest.

Power to levy Charges on Occupier, who may deduct the same from his Rent.

CCCCIII. Provided always, That no Occupier of any Premises shall be liable to pay more Money in respect of any Sums charged by this Act on the Owner thereof than the Amount of Rent due from him for the Premises in respect of which such Rate, Assessment, Charge, or Expenses and Interest are payable at the Time of the Demand made upon him, or which at any Time after such Demand, and Notice not to pay the same to his Landlord, have accrued, and become payable by him, unless he neglect or refuse, upon Application made to him for that Purpose by the Commissioners, truly to disclose the Amount of his Rent, and the Name and Address of the Person to whom such Rent is payable; but the Burden of Proof that the Sum demanded of any such Occupier is greater than the Rent which was due by him at the Time of such Demand, or which has since accrued, shall lie upon such Occupier: Provided further, that nothing herein contained shall be taken to affect, abridge, or alter any Claim of Relief or otherwise competent to such Owner or Occupier respectively against each other under any special Contract made between them respecting the Payment of the Expenses of any such Works as aforesaid.

Occupier not to be liable for more than the Amount of Rent due.

CCCCIV. Where any such Rate, Assessment, Charge, or Expenses payable to the Commissioners by any Owner of any such Premises amount to more than Half the Amount of the net

Commissioners may allow Time for Repay-

ment by Owners of Improvement Expenses.

net annual Value of such Building or Lands, the Commissioners may, if they think fit, at the Request of any such Owner, allow Time for the Repayment thereof, and receive the same by such Instalments as they, under the Circumstances of the Case, consider reasonable, but so that the same be repaid by annual Instalments of not less than One Seventh Part of the whole Sum originally due, with Interest for the Principal Money from Time to Time remaining unpaid after the yearly Rate of Five Pounds in the Hundred during the Period of Forbearance; and all such Sums remaining due, notwithstanding the Commissioners have agreed to allow any Time for the Repayment thereof as aforesaid, shall from Time to Time, at the Expiration of the several Times so allowed for Repayment thereof, be recoverable in like Manner as such respective Amounts would have been recoverable if no such Time had been allowed for Repayment thereof.

Proceedings in case of Tenants opposing the Execution of this Act.

CCCCV. If the Occupier of any Premises within the Burgh prevent the Owner thereof from carrying into effect in respect of such Premises any of the Police Provisions of this Act, after Notice of his Intention so to do has been given by the Owner to such Occupier, the Magistrate may make an Order in Writing requiring such Occupier to permit the Owner to execute all such Works with respect to such Premises as may be necessary for carrying into effect the Provisions of this Act; and if, after the Expiration of Ten Days from the Date of such Order such Occupier continue to refuse to permit such Owner to execute such Works, such Occupier shall for every Day during which he so continues to refuse be liable to a Penalty not exceeding Five Pounds; and every such Owner, during the Continuance of such Refusal, shall be discharged from any Penalties to which he might otherwise have become liable by reason of his Default in executing such Work.

Respecting existing Contracts for building.

CCCCVI. Nothing in this Act contained shall extend to or make void any Agreement in Writing entered into before the Adoption of this Act for erecting or altering any Building, but the same shall be performed, with such Alterations as may be rendered necessary by this Act, and as if such Alterations had been stipulated for in such Agreement; and the Difference between the Cost of the Work according to the Agreement and the Cost of such Work as executed according to the Provisions of this Act shall be ascertained by the Parties to the respective Agreements, and paid for, or deducted, as the Case may require; and if the said Parties do not agree upon the Amount of such Difference, the same shall, on the Request of either Party (Notice being given to the other) be decided by the

the Surveyer to the Commissioners, and for his Trouble in making such Decision, each of the said Parties shall pay to the said Surveyor such Sum, not exceeding One Pound, and to be disposed of for such Purposes of this Act, as the Commissioners shall direct.

Respecting Contracts for Leases.

CCCCVII. Nothing in this Act contained shall affect any Lease or Agreement for a Lease whereby any Person may be bound to erect Buildings upon any Building Ground within the Burgh, but the Buildings mentioned in such Lease or Agreement shall be built, according to the Conditions which may be rendered necessary by this Act, in the same Manner as if this Act had been adopted and in operation at the Time of making such Lease or Agreement, and the same had been made subject thereto, and that without either Party being entitled to any Compensation.

PART VI.

SECTION VI.—*Jurisdiction, and Recovery of Penalties.*

Jurisdiction of Magistrates of Police under this Act.

CCCCVIII. The Magistrates of Police of a Burgh under this Act, or any One or more of such Magistrates, shall have Jurisdiction and Power to take cognizance of all Crimes, Offences, Misdemeanors, and Breaches of the Police Regulations hereinbefore contained, or of any Byelaw made in virtue of the Police Provisions of this Act, and of any other Crime or Offence which is punishable by Public General Statute or Common Law, and is within the Jurisdiction of the Magistrates of any Royal Burgh, and shall have all such and the like Jurisdiction within such Burgh as any Magistrate of a Royal Burgh, or any Dean of Guild of a Royal Burgh, has by the Law of *Scotland* within the Royal Burgh in or for which he acts as such Magistrate or Dean of Guild.

Magistrates of Police may appoint Procurator Fiscal.

CCCCIX. It shall be lawful for the Magistrates under this Act to appoint from Time to Time, by Writing and during Pleasure, the Superintendent of Police or other fit Person or Persons to be Procurator Fiscal, for the Purposes of this Act, of the Burgh in which they are Magistrates, and such Procurator Fiscal shall within such Burgh have all such and the like Powers and Privileges as by Law appertain to any Procurator Fiscal by the Law of *Scotland*.

Interim Fiscal.

CCCCX. In the temporary Absence of the Procurator Fiscal so to be appointed, occasioned by Indisposition or other Cause, it shall be lawful for the Magistrate of Police presiding in the Police Court to appoint a fit Person to perform *ad interim* the Duties of such Procurator Fiscal, in the Name of such Procurator Fiscal, or in the name of the Person so appointed *ad interim*,

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interim, and to insist in any Proceedings which may have been commenced in the Name of such Procurator Fiscal.

Forms of Procedure in Police Court.

CCCCXI. All Actions, Prosecutions, and Proceedings for Crimes and Offences committed within the Burgh, or for the Recovery of Fines, Penalties, Forfeitures, or Expenses under the Police Provisions of this Act, the Mode of recovering which is not herein otherwise provided for, shall be sued for before the Magistrates of Police, in the Police Court, at the Instance of the Procurator Fiscal, to be appointed as herein authorized; and (with the exception of Complaints against Chain Droppers, Thimblers, loaded Dice Players, and Offenders of that Description,) such Complaint, in all Cases of Theft or of Reset of Theft, or of Falsehood, Fraud, and wilful Imposition, or of Breach of Trust and Embezzlement, shall bear that the Sum of Money or the Value of the Article stolen, resetted, obtained by Falsehood, Fraud, and wilful Imposition, or embezzled, does not exceed Ten Pounds; and it shall not be competent thereafter to the Person accused (except where an Offer shall be made at the Time) to prove that the Money or Article stolen, resetted, obtained, or embezzled exceeded in Value the Sum of Ten Pounds; and the whole Procedure before such Magistrates or any of them shall be conducted summarily *vivâ voce*, and without written Pleadings; and no other Record shall be kept of the Proceedings except the Complaint and the Judgment pronounced thereon; and it shall not be competent to any Party who shall appear to answer to any Complaint to plead Want of due Citation, or Informality in the Warrant, Citation, or Execution.

Forms of Procedure to be framed.

CCCCXII. The Magistrates of Police, with the Advice and Approbation of the Lord Justice General and the Lord Justice Clerk for the Time being, shall and they are hereby authorized and required, when necessary, to frame Rules and Regulations and Forms of Procedure calculated to despatch such Business in the easiest and most expeditious Manner, and from Time to Time to alter and amend the same, in order that the Provisions of this Act may be carried into full Execution.

Certain Crimes not competent to be taken cognizance of in the Police Court.

CCCCXIII. If it shall appear, either in the preliminary Investigation of the Charges against any Person accused of having committed any Crime, Delinquency, or Offence within the Burgh, or during his Trial before the Magistrate, that such Person has been guilty of or is charged with any of the Crimes denominated the Pleas of the Crown, (*videlicet*,) Murder, Robbery, Rape, and wilful Fire-raising, or with the Crimes of Stouthrief, or of Theft by Housebreaking, or of Housebreaking with Intent to steal, or of Theft to an Amount exceeding Ten

Ten Pounds, or of Theft by opening lockfast Places, or of Theft aggravated by being Habit and Repute a common Thief, or by having been twice previously convicted of Theft, or of Reset of Theft, to an Amount exceeding Ten Pounds, or of Reset of Theft aggravated by having been twice previously convicted of that Crime, or of Falsehood, Fraud, and wilful Imposition to an Amount exceeding Ten Pounds, or of Falsehood, Fraud, and wilful Imposition aggravated by having been twice previously convicted of that Crime, or of Breach of Trust and Embezzlement to an Amount exceeding Ten Pounds, or of Breach of Trust and Embezzlement aggravated by having been twice previously convicted of that Crime, or of Assault to the Danger of Life, or of Assault whereby any Limb has been fractured, or of Assault with any Knife or other lethal Instrument where Effusion of Blood has followed, or of Assault aggravated by Two previous Convictions for that Crime, or of Assault with Intent to ravish, or of Attempt at wilful Fire-raising, or of culpable Homicide, or of Forgery, or of uttering forged Bank or Banker's Notes, it shall not be competent for the Procurator Fiscal, or those acting under or for him, to insist in a Prosecution against such Person before the Magistrate, but the Magistrate shall commit the Person accused to Prison for Examination, and the Procurator Fiscal or Superintendent of Police shall forthwith give Notice of such Commitment to the Procurator Fiscal of the County in which the Offence shall be charged to have been committed, in order that such Person may be proceeded against conformably to Law: Provided always, that the aforesaid Provision shall not apply to Chain Droppers, Thimblers, loaded Dice Players, and Offenders of that Description, whom the Magistrate is hereby specially empowered to try and sentence, whatever may be the Amount of the Sum specified in the Charge against them, or however often they may have been previously convicted.

Officers or Owners of Property on which Offences are committed may take Offenders into Custody.

CCCCXIV. Any Person found committing any Offence punishable either by Indictment or criminal Libel, or upon summary Conviction under this Act, may, without a Warrant, be taken into Custody by any Police Constable, or be apprehended by the Owner of the Property on or with respect to which the Offence shall be committed, or by his Servant or any Person authorized by him, and may be detained until he can be delivered into the Custody of a Police Constable, and the Person so arrested shall be taken as soon as conveniently may be before some Magistrate, to be examined and dealt with according to Law; and any Police Constable may search any Premises, and may also stop, search, and detain any Vessel,

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sel, Boat, Cart, or Carriage in or upon which there shall be Reason to suspect that anything stolen or unlawfully obtained, or fraudulently carried away, may be found, and also any Person who may be reasonably suspected of having or carrying in any Manner anything stolen or fraudulently obtained or carried away.

Horse, Carriage, or Vessel of Persons taken into Custody may be secured.

CCCCXV. When any Person having charge of any Horse, Cart, Carriage, Vessel, or Boat, or any Animal or Thing, shall be taken into the Custody of any Constable, under the Provisions of this Act, it shall be lawful for any Constable to take charge of such Horse, Cart, Carriage, Vessel, or Boat, or Animal or Thing, and to deposit the same in some Place of safe Custody, as a Security for Payment of any Expenses which may have been necessarily incurred for taking charge of and keeping the same; and unless the same shall be claimed by the Owner, and all Expenses incurred thereon paid, within Four Days after such Detention, it shall be lawful for any Two Magistrates to order the Sale of any such Horse, Cart, Carriage, Vessel, or Boat, or any Animal or Thing, so detained, and the Proceeds of such Sale to be applied towards the necessary Expenses incurred, the Overplus, if any, being paid to the Owner.

Limitation of Police Prosecutions.

CCCCXVI. All Actions, Prosecutions, or Proceedings for Recovery of Fines, Penalties, Forfeitures, or Expenses by virtue of the Police Provisions of this Act shall be commenced within Three Months from the Time the Facts on which such Actions, Prosecutions, or Proceedings were brought shall have been discovered and known, and not thereafter.

Superintendent in certain Cases may accept of Bail or Deposit.

CCCCXVII. Upon the Apprehension of any Person charged with any Offence under this Act, or with any Crime which may be competently tried before the Magistrate, it shall be lawful for the Superintendent or other Officer of Police having charge in Absence of the Superintendent to accept of Bail or Deposit that such Person shall appear for Trial before the Magistrate at some Time and Place to be specified, and at all after Diets of Court, and to liberate the Person so apprehended upon Bail being found to an Amount not exceeding Twenty Pounds, or upon the Deposit of any Money or Article of Value to the Amount of the Bail fixed; and the Superintendent or other Officer of Police, if Deposit be accepted, shall enter the same in a Book to be kept for the Purpose, and grant an Acknowledgment for the Money or Article so deposited: Provided always, that the Superintendent or other Officer of Police may refuse, if he see Cause, to accept of Bail in any Shape; and the Refusal to accept Bail or Deposit, and detaining the Person so apprehended until the Case of such Person is tried in the usual Form, shall not subject the Superintendent

dent or other Officer of Police to any Claim for Damages, Wrongous Imprisonment, or Claim of any other Kind whatsoever.

Persons in Custody to be taken before the Magistrates.

CCCCXVIII. Every Person who by virtue of this Act shall be taken into Custody, or who shall be detained in Custody, may be detained in the Police Office or Police Cells, and shall be taken before the Magistrate not later than in the course of the first lawful Day after he shall be taken into Custody, such Day not being a Sacramental Fast Day, or a Day set apart for a General Fast; and if the Nature of the Crime or Offence charged shall admit of its being competently tried before the Magistrate under the Provisions of this Act, it shall be lawful for him to grant Warrant to commit such Offender to the Police Cells or to Prison, when remanded for affording Time to find Bail, or for further Examination, or for Trial, such further Examination or Trial always taking place as soon as Circumstances shall permit, and without any unnecessary Delay; or if the Crime or Offence charged shall in the Opinion of the Magistrate merit a higher or greater Punishment than he can lawfully award, it shall be lawful for him at any Stage of the Examination or Trial to commit such Offender to Prison for Examination; or if the Crime or Offence charged, from having been committed beyond the Limits of the Burgh, or from being otherwise excluded from the Jurisdiction of the Magistrate, falls to be tried in another Jurisdiction, it shall be lawful for the Magistrate to commit such Offender to Prison until disposed of according to Law; in either of which last Two Cases it shall be the Duty of the Superintendent of Police to give Notice of such Commitment to the Procurator Fiscal or other proper Officer for the City, County, Burgh, or other Jurisdiction within which the Crime or Offence was committed, in order that such Offender may be further proceeded with according to Law.

Authority to Officers to cite Parties and Witnesses.

CCCCXIX. This Act shall be a sufficient Authority to the Constables for citing a Party charged with any Offence against the Police Provisions of this Act, or of any Byelaw made in virtue thereof, or at Common Law, and for summoning any Witness to give Evidence in relation to the same; and it shall be deemed a legal Citation of such accused Party or Witness if the Citation be delivered personally, or left at his Dwelling House, or, if such Party or Witness has no known Dwelling House, at the Hotel, Inn, Lodging House, or other Place in which he eats and sleeps, or in the Shop, Warehouse, Counting-house, or other Place of Business occupied by him, or, in the Case of a Master of or Seaman or Party employed in any Ship or Vessel, in the Hands of a Person on board thereof and connected therewith, which Citation shall state the

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the Nature of the Charge, and the Time and Place of Appearance.

Offenders removing from the Bounds of Police, how to be proceeded against.

CCCCXX. Warrants granted by the Magistrate for apprehending or citing Persons charged under the Police Provisions of this Act with having committed Crimes and Offences, or for citing Witnesses for the Prosecutor or accused Parties when such Persons or Witnesses are beyond the Jurisdiction of the Magistrates of Police, shall be sufficient for apprehending or citing the Offenders and Witnesses within *Scotland*, and for conveying such Offenders as shall be taken into Custody in Terms of the Warrant, to be dealt with according to Law, if backed or endorsed by the Sheriff or any Justice of the Peace of the County within which the same shall be so executed: Provided always, that the said Warrants shall be executed against the Persons therein mentioned, and the Witnesses shall be cited by a Constable acting under the Authority of the Police Provisions of this Act.

Examination of Witnesses.

CCCCXXI. Where from the Absence of Witnesses for the Prosecutor in any Complaint, or from any other Cause, it becomes necessary to adjourn the Diet, and where Witnesses for the Accused in such Prosecutions are in attendance, it shall be lawful for the Magistrate, at the Request of the Accused Person, and if the Magistrate in the Circumstances shall deem it proper, to take the Evidence of the Witnesses for the Accused before the Proof for the Prosecution has been led or concluded; but the Accused shall in all such Cases be entitled to lead additional Evidence after the Prosecutor's Case has been concluded.

Penalty for Witnesses not appearing.

CCCCXXII. If any Person who has been duly cited as a Witness to appear before the Magistrate, either on the Part of the Prosecutor or the Person charged with any Offence, fails to appear at the Time and Place for that Purpose appointed, the Magistrate may grant Warrant to take such Person into and detain him in Custody, or to commit him to Prison until he finds Security to appear and give Evidence, and may also sentence such Person to a Penalty not exceeding Five Pounds, and if it appears that his Noncompliance arose from a Desire on his Part to defeat the Ends of Justice, the Magistrate may sentence such Person to be imprisoned for a Period not exceeding Thirty Days; provided that Proof on Oath be made that he had been duly summoned at least Twenty-four Hours before the Diet of Court.

Penalty for Witnesses refusing to give Evidence.

CCCCXXIII. If any Person refuses to be precognosced or to give Information or Evidence touching or concerning the Subject Matter of any Penal or Police Offence, or at any Trial before the Magistrate refuses to be sworn or examined upon Oath,

Oath, or, in case of a Quaker or other Person privileged by Law, to be examined upon solemn Affirmation, the Magistrate may grant Warrant to commit to Prison such Person for any Period not exceeding Thirty Days.

Witnesses prevaricating may be punished summarily.

CCCCXXIV. If any Person, when under Examination on Oath or solemn Affirmation before the Magistrate, shall prevaricate or wilfully conceal the Truth, it shall be lawful to the Magistrate, in open Court, and in a summary Manner, to adjudge the Person so offending to Imprisonment for any Term not exceeding Sixty Days, and the Sentence awarding such Imprisonment shall set forth the Nature of such Offence; and if any Person, when under Examination on Oath or solemn Declaration as aforesaid, shall wilfully or corruptly give false Evidence touching any Matter or Thing relating to the Case, or shall wilfully or corruptly swear or affirm any Matter or Thing which shall be false or untrue, although the Evidence be not recorded, every Person so offending, on being duly convicted thereof, shall be subject and liable to such Pains and Penalties as by Law Persons guilty of wilful and corrupt Perjury are liable to; and it shall be lawful to the Magistrate to remit such Person for Trial to a higher Criminal Tribunal, and for that Purpose to grant Warrant for his Imprisonment until disposed of according to Law.

In default of paying Fines Parties to be imprisoned.

CCCCXXV. The Magistrate may sentence any Person found liable in a pecuniary Penalty to Imprisonment until the same is paid, but in no Case shall the Period of Imprisonment for Nonpayment exceed Sixty Days.

Power to order Offenders to find Caution or Fine;

CCCCXXVI. It shall be lawful for the Magistrate, in lieu of any Punishment by Imprisonment or Fine, to ordain any Offender to find Caution for good Behaviour or for keeping the Peace for any Period not exceeding Twelve Months, and under a Penalty not exceeding Twenty Pounds, and to sentence the Person ordained to find such Caution to be imprisoned till Caution be found; but in no Case shall the Period of Imprisonment exceed Sixty Days.

or to find Caution in addition to Imprisonment or Fine.

CCCCXXVII. It shall be lawful for the Magistrate, in addition to any Punishment by Imprisonment or Fine, to ordain the Offender to find Caution as aforesaid from and after the Expiry of the Term of Imprisonment, or from and after the Payment of the Fine or pecuniary Penalty specified in the said Sentence, or from and after the Expiry of the Term of Imprisonment for Nonpayment thereof; and in case such Caution shall not then be found, it shall be lawful to sentence the Person ordained to find such Caution to be further detained in Prison beyond the Expiry of the said Term of Imprisonment until such Caution be found; but in no Case shall

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shall the whole Period of Imprisonment, including the Period of Detention for not finding such Caution, exceed Ninety Days.

Warrant of Commitment.

CCCCXXVIII. In all Cases where Imprisonment takes place under the Powers of the Police Provisions of this Act, a short Extract of the Charge and Sentence, certified by the Clerk of the Police Court or his Depute, shall be a sufficient Warrant of Commitment: Provided always, that any Person sentenced to Imprisonment in consequence of Nonpayment of any pecuniary Fine, Penalty, Forfeiture, or Expenses, or for Want of Caution being found, or otherwise, may be detained in the Police Office or Police Cells for a reasonable Time, to allow of such Extract being made, such Time not exceeding in any Case Twelve Hours.

Police Officers may be dismissed by the Magistrate.

CCCCXXIX. It shall be lawful for the Magistrate, without the Necessity of any Complaint, to direct the Superintendent of Police to dismiss any Constable under him whose Conduct in any Proceedings that shall form the Subject of Investigation before the Magistrate shall, in the Opinion of the Magistrate, render such Constable unfit to be any longer retained in the Police Establishment, and such Constable shall be dismissed accordingly.

Proceedings not to be void for Want of Form, and Judgments to be final.

CCCCXXX. No Order, Judgment, Record of Conviction, or other Proceeding whatsoever, concerning any Prosecution instituted before the Magistrate by virtue of this Act, shall be quashed or vacated for any Misnomer or Informality; and all Judgments and Sentences pronounced by the Magistrate shall be final and conclusive, and not subject to Suspension, or Advocation, or Appeal, or any other Form of Review or Stay of Execution unless on the Ground of Corruption, Malice, or Oppression on the Part of the Magistrate, or of such Deviations in point of Form from the statutory Enactments as the Court of Review shall think took place wilfully, or of Incompetency, including Defect of Jurisdiction of the Magistrate; and such Suspension, or Advocation or Appeal, or Review or Stay of Execution, must be presented before the next Circuit Court of Justiciary, or, where there are no Circuit Courts, before the High Court of Justiciary at *Edinburgh*, in the Manner, and by and under the Rules, Limitations, Conditions, and Restrictions, which shall from Time to Time be prescribed by the said High Court of Justiciary.

No Suspension or Stay of Execution, &c. to prevent Pay-

CCCCXXXI. Such Suspension, or Advocation or Appeal, or Review or Stay of Execution, shall not operate as a Suspension or Stay of Execution of any Order or Sentence of the Magistrate requiring the Payment of any Penalty, unless on Consignment thereof in the Hands of the Treasurer, nor of any

any Order or Sentence of the Magistrate awarding Imprisonment, unless on sufficient Caution to the Satisfaction of the Magistrate for the Appearance of the Person appealing at such Time and Place as he shall direct; and in all Cases of Prosecution before the Magistrate under this Act it shall be lawful for the Magistrate whose Sentence shall be brought under Review in another Court to authorize the Expenses incurred in the Proceedings in such other Court to be defrayed out of the Police Assessment authorized to be levied by this Act: Provided always, that at the first Meeting of the Commissioners after any such Sentence shall have been brought under Review as aforesaid the Procurator Fiscal shall make a Report of the Facts and Circumstances of the Prosecution on which any such Sentence shall have been pronounced and brought under Review, and the Commissioners shall thereupon direct such Sentence so brought under Review to be defended or not, as to them shall seem proper; and if they shall direct such Sentence not to be defended, then no Expenses incurred in defending such Action subsequent to such General Meeting shall be defrayed out of the said Assessment.

Fines to be paid to the Clerk.

CCCCXXXII. All Forfeitures, Penalties, Fines, and Expenses imposed by the Magistrate, and recovered, shall be paid to the Clerk, and shall be accounted for by him once every Month, or at such other Time or Times as the Commissioners may direct, to the Collector, to be disposed of as herein mentioned; and the Procurator Fiscal is hereby directed, on the First *Monday* of every Month, to intimate to the Collector the Amount of the Forfeitures, Penalties, and Fines imposed in the previous Month.

Application of Penalties.

CCCCXXXIII. The whole Forfeitures, Penalties, and Fines imposed by the Magistrate, and paid to the Clerk, shall be applied in Payment of the Expenses incurred in alimenting Prisoners detained in Custody in the Police Office or Station Houses: Provided always, that if such Forfeitures, Penalties, and Fines shall not be sufficient for these Purposes, whatsoever further Sum may be required shall be paid from the Police Assessment; and if such Forfeitures, Penalties, and Fines shall be more than sufficient for these Purposes, the Surplus shall be applied to the same Purposes as the Police Assessment.

For Recovery of forfeited Bail Bonds and Bonds of Caution.

CCCCXXXIV. When any Person shall be apprehended, and afterwards liberated on finding Bail for his Appearance, and shall fail to appear, or when any Person who shall have found Caution for good Behaviour or for keeping the Peace as aforesaid shall commit a new Offence inferring Forfeiture of such Caution, it shall be lawful for the Magistrate, on Complaint

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plaint by the Procurator Fiscal in the Police Court as aforesaid, to declare the Sum contained in the Bail Bond or Bond of Caution to be forfeited, and to order the Cautioner to be summoned to make Payment thereof to the Clerk within Six Days after the Date of such Summons, and in default of such Payment, after the Lapse of such Period, to grant Warrant for apprehending and imprisoning the Cautioner till the said Sum be paid, but which Period of Imprisonment shall not exceed Thirty Days from the Time of Incarceration, and after such Imprisonment no further Procedure against the Cautioner shall be competent on the Bond; and when any Money or other Article shall be deposited by any Person as a Security for his Appearance, and such Person shall fail to appear, it shall be competent to the Magistrate to declare such Deposit to be forfeited; and if it be Money, it shall be forthwith ordered by the Magistrate to be paid to the Clerk; and if it be not Money, such Article so deposited shall be ordered by the Magistrate to be sold by Public Auction, and the free Proceeds shall be paid to the Clerk, and in both Cases accounted for by him, along with the Forfeitures, Penalties, and Fines to the Collector, and applied in the same Way and Manner as Forfeitures, Penalties, and Fines are by the Police Provisions of this Act directed to be applied.

Cautioners in Bonds.

CCCCXXXV. Any Bail Bond or Bond of Caution, the Cautioner in which is unable or shall declare he is unable to subscribe his Name, shall be valid and effectual if such Cautioner shall adhibit to such Bond his Mark, in Presence of Two Witnesses, who shall subscribe the said Bond in Testimony thereof.

Clerk of Police Court.

CCCCXXXVI. The Commissioners shall appoint a proper Person to be Clerk of the Police Court, who shall hold Office only during their Pleasure, and such Person may be the same Person who is Clerk to the Commissioners, and such Person may appoint, by a Writing under his Hand, a Depute, for whom he shall be responsible; and such Depute shall be invested with all the Powers appertaining to the Office of Clerk of the Police Court: Provided always, that the Commissioners shall fix the Salary to be paid to such Clerk.

Where any Act or Decision, &c. declared final, the same shall not be reviewable.

CCCCXXXVII. Wherever any Act, Decision, Determination, Declaration, or Deliverance of any Sheriff or Magistrate, or Preses of a Meeting, Commissioner or Commissioners, or other Person whatever, is by this Act declared to be final, the same shall not be subject to be set aside or reviewed or affected by any Court or Judicature upon any Ground or in any manner of way whatever.

Jurisdiction of

CCCCXXXVIII. No Jurisdiction conferred by this Act shall

shall be held to exclude the Jurisdiction of any Sheriff or Court of Guild, where the Case shall in the first instance have been brought before or taken up by such Sheriff or Court of Guild. Sheriffs and Courts of Guild to be preserved.

PART VI.

SECTION VII.—*Municipal Establishments of Burghs and Billet Masters.*

CCCCXXXIX. It shall be lawful for the Magistrates and Councils of Parliamentary Burghs in which there are no Means or no adequate Means of defraying the necessary Expenses of their Municipal Establishments, and other Expenses attending the Administration of the Affairs of such Burghs respectively, to assess all Occupiers of Premises within such Burghs respectively in the Sums necessary for defraying the Expenses of such Municipal Establishments and Administration as aforesaid, but in no Case to an Amount exceeding Threepence in the Pound of the yearly Rent of such Premises; and such Assessment shall be imposed, levied, and recovered in such and the like Manner, from the same Descriptions of Persons and Property, and under the like Provisions and Exceptions, as the Police Assessment leviable under the Provisions of any Local Act, or of the Thirteenth and Fourteenth *Victoria*, Chapter Thirty-three, if in force in such Burgh, or under this Act, is authorized to be imposed, levied, and recovered by the Commissioners. Assessments in Parliamentary Burghs having no Revenues.

CCCCXL. It shall be lawful for the Magistrates of Burghs, and they are hereby authorized and required to appoint a Billet Master or Billet Masters for the Purpose of regulating the quartering of Soldiers as the Law directs; and such Billet Masters shall be removed at the Pleasure of such Magistrates, and be subject always to such Regulations as they shall think proper to establish for the due Performance of the Duties of the Office; and the Commissioners shall and may fix such Salaries for such Billet Masters as they shall think fit. Billet Masters to be appointed.

PART VII.

Promotion of the Public Health.

Amendment of the Act passed in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, intituled *An Act to make better Provision for the Removal of Nuisances, Registration of Lodging Houses, and the Health of Towns, in* Scotland.

CCCCXLI. The Commissioners or Trustees of Police of Burghs Commissioners or

Trustees of Police of Burghs to be Local Authority.

Burghs shall, within the Limits of their respective Jurisdictions, be the Local Authority for the Purposes of "The Nuisances Removal (*Scotland*) Act, 1856," anything in the said Act notwithstanding.

Power of Entry to include Superintendent of Police, Medical Officer, and others.

CCCCXLII. The Power of Entry given by the Ninth Clause of the said recited Act to the Local Authority or Inspector shall include not only the Superintendent of Police but the Medical Officer of the Parish, or such other Officers as the Local Authority may desire to accompany them to inspect any private Premises where the Local Authority or Inspector of Nuisances have reasonable Grounds for believing that Nuisance exists.

Decree to prevent overcrowding of common Tenements, and Watercloset Accommodation may be ordered.

CCCCXLIII. The Eleventh Clause of the said recited Act is hereby amended to this Extent, that the decree therein mentioned shall also, if the Case requires it, ordain the Owner of any inhabited House, Building, or Part thereof which has been rendered unwholesome or unfit for Human Habitation by and through its being overcrowded, as the Author of such Nuisance, to limit the Number of separate Dwellings into which such common Tenement or Part thereof may be divided, or let to or for the Use of separate Families, and the Number of Persons who may be accommodated in such common Tenements, or such Parts thereof which may be let to or for the Use of separate Families; and the Word "Nuisances" under the said Act shall include "any overcrowding of an inhabited "House, Building, common Tenement, or Part thereof, insuf- "ficient in Size for the Number of Persons inhabiting the "same;" and the said Decree shall also, if the Case requires it, ordain the Owner, as the Author of the Nuisance, to provide sufficient Watercloset Accommodation (in lieu of Privy Accommodation) for the separate Use of the Sexes of the Inmates of such common Tenement or Parts thereof.

Water not to be fouled by any Person.

CCCCXLIV. The Nineteenth Clause of the said recited Act is hereby amended to this Extent, that any Person who shall wilfully do or permit to be done any Act whereby the Water in any Stream, Reservoir, Aqueduct, Pond, or Place, constructed for the Supply of Water for domestic Purposes shall be fouled, shall forfeit for every such Offence a Sum not exceeding Fifty Pounds.

Sheriff may supersede consideration of Complaint to permit regular Drainage

CCCCXLV. The Forty-third Section of the said Act is hereby amended to this Extent, that it shall be lawful to the Sheriff to supersede the Consideration, for such Time as he shall see proper, of any Complaint directed under the said Forty-third Section of the said Act, against the Commissioners of any Burgh which has adopted this Act, if he shall deem such just, to enable the Commissioners to carry out a regular

regular System of Drainage under any General or Local Act, in order the better to remove any Nuisance for the Removal of which Drainage Works are necessary.

Works to be carried out under Police Acts.

CCCCXLVI. The Forty-fourth Section of the said recited Act is hereby amended to this Extent, that the Sheriff may, without Prejudice to any other Remedy under the said Act for the Recovery of Penalties, grant Warrant for the Recovery of the Penalties and Expenses decerned for, and, failing Payment thereof by the Party convicted within Eight Days after Conviction, for his Imprisonment for a Period, in the Discretion of the Sheriff, not exceeding Sixty Days.

Sheriff may grant Warrant for Recovery of Penalties and Expenses, and for Imprisonment if not paid.

CCCCXLVII. All the Provisions of the last-recited Act, and all the Procedure therein prescribed, in regard to Proceedings before and to Appeals from any Judgment or Order of the Sheriff, shall apply to Proceedings before and to any Judgment or Order of any Magistrate or Justice of the Peace under the said Act.

Provisions for Appeals from Sheriffs to apply to Appeals from Magistrates.

CCCCXLVIII. The Business of a Blood Boiler, Bone Boiler, Tanner, Slaughterer of Cattle, Horses, or Animals of any Description, Soap Boiler, Tallow Melter, Tripe Boiler, or other noxious or offensive Business, Trade, or Manufacture, shall not be newly established in any Building or Place within the Burgh without the Consent of the Commissioners; and any Person contravening this Enactment shall be liable for each Offence to a Penalty of Fifty Pounds, and a further Penalty of Forty Shillings for each Day during which the Offence is continued; and the Commissioners may from Time to Time make such Byelaws with respect to any such Businesses so newly established as they may think necessary, and in order to prevent or diminish the noxious or injurious effect thereof.

Offensive Trades to be subject to Regulations.

CCCCXLIX. Any of the Enactments of this Act may be incorporated, in whole or in part, with any Act to be passed in the present or any future Session of Parliament; and for the Purpose of incorporating Part only of this Act with any Act hereafter to be passed, it shall be sufficient to describe the Part of this Act by a Reference to the Parts, Sections, or Clauses thereof, and to enact that the Parts, Sections, or Clauses so described, or that this Act, with the Exception of the Parts, Sections, or Clauses so described, shall be incorporated with such Act, and thereupon all the Parts, Sections, or Clauses of this Act so incorporated shall, save so far as they are expressly varied or excepted by such Act, form Part of such Act, and such Act shall be construed as if such Parts, Sections, or Clauses were set forth therein with reference to the Matter to which such Act relates.

Act may be incorporated, either in whole or in part, with any future Act.

SCHEDULE

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Notice is hereby given, That in virtue of the Powers contained in an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled "An Act" [*specify this Act*], the Householders in the Burgh of [*or, where the Boundaries have been ascertained by Proceedings under this Act,* within the Boundaries following, viz., *repeat them as in the recorded Deliverance of the Sheriff,*] of the yearly Rent or Value of £10 [*or £6 as the case may be*] or upwards, are hereby required to meet upon the Day of next, at of the clock, within , when the said Act shall be laid before the Meeting, with a view of adopting it in whole or in part.

Dated at , the Day of 18 .

(Signed) *E.F.*, Chief or Senior Magistrate, *or* Sheriff [*as the Case may be*].

SCHEDULE (B.)

Form of the Book to be used at the Meeting for resolving whether this Act shall come into operation.

Adopt, or not, the Provisions of Act, in so far as respects					Qualifications of Voters.	Names of Voters.

SCHEDULE

SCHEDULE (C.)

Form of the Book to be used in the Election of Commissioners.

Names and Designations of Commissioners voted for.		Qualifications of Electors.	Names of Electors.
1.	2.		

SCHEDULE (D.)

Attestation by Collector, Application to Sheriff or Magistrate, and Warrant, to be written at the End of each Volume of the Roll or Book of Assessment.

(1.) *Attestation by Collector.*

I *A.B.* Collector of Police Assessments for the Burgh of do hereby certify, That this is the

the [First, Second, *or* Third, *as the Case may be,*] Volume of the Books of Assessments acording to which the Police Assessments are leviable from the Persons and others therein named for the Year from to ; that the said Assessments became due and payable on the Day of ; that certain of the Persons and others assessed in the said Book have failed to pay the said Assessments on or before the said day of , notwithstanding of the same having been demanded from them by printed Notices from me, delivered to or left for them on the Premises assessed ; and that the Persons and others named in this Volume who have so failed to pay the said Assessments are those against whose Names respectively the Charges in this Volume remain unpaid or otherwise undischarged at this Date.

A.B., Collector.

[*Place and Date.*]

(2.) *Application to Sheriff.*

To the Honourable [the Sheriff of the County of *or* his Substitute, *or* the Magistrates of Police of the Burgh of , *or* the Magistrates of the Burgh of , *as the Case may be.*]

The Petition of *A.B.*, Collector of Police Assessments for the Burgh of ,

Humbly sheweth,

That by the Act [*or* Acts] of Parliament [*here refer to them*] certain Police Assessments are authorized to be levied in the Burgh of .

That, in Terms of said Act [*or* Acts] Assessment Books for levying the said Assessments for the Year from to were made up and delivered to the Petitioner, in order to his levying and collecting the Sums set opposite the Names of the Persons and others respectively therein entered, of which Assessment Books this is the Volume.

That the said Assessments became due and payable on the Day of 18 .

That by the Attestation of the Petitioner, hereunto prefixed, it appears that certain of the Persons so assessed have failed to pay the said Assessments on or before the said Day of 18 , notwithstanding of the same having been demanded from them by printed Notices from the Petitioner, delivered to or left for them on the Premises assessed, and that the Persons named in this Volume who have so failed to pay are those against whose Names respectively the Charges in

in this Volume remain unpaid or otherwise undischarged at the Date of the said Attestation.

That the said Persons who have failed to pay the Police Assessments charged against them, or any Portion thereof, have incurred, in addition, a Penalty of One Penny upon each Pound of the Rental of the Premises in respect of which they are assessed, in Terms of the said Act [*or* Acts] [*here refer to them*].

That in these Circumstances it becomes necessary to apply to your Lordship [*or* Honours] for warrant to the following Effect:—

May it therefore please your Lordship [*or* Honours] to grant summary Warrant against the Persons who have failed in Payment as aforesaid for Recovery of the said Assessments so remaining unpaid, and Penalty foresaid, and to authorize Messengers-at-Arms and Officers of Court to enter the Houses or other Premises of the Persons who have failed in Payment as aforesaid, and to seize, take possession of, and remove so much of the Goods and Effects therein as shall appear to such Messenger or Officer to be sufficient for satisfying out of the Proceeds of the Sale thereof the said Assessment remaining unpaid, and Penalty, with the Costs and Charges incurred or to be incurred in carrying into execution the Warrant which may be granted hereon against said Persons respectively; and to authorize the said Messenger or Officer, if the said Assessments and Penalty, together with said Costs and Charges, shall not be paid within Three Days next after Seizure is made as aforesaid, forthwith to Sell the said Goods and Effects so seized by Public Roup, either on the Premises in which the same were so seized, or at the Market Cross of the said Burgh, or in such other Place as your Lordship [*or* Honours] may appoint, returning the Surplus of the Price, if any be, after Payment of the said Assessments and Penalty, together with the Costs and Charges incurred in carrying the said Warrant into execution, and of such Sale, to the Owner of the said Goods and Effects. (Signed) *A.B.*, Collector.

(3.) *Warrant.*

(*Date.*) . The Sheriff *or* Sheriff Substitute, Magistrate of Police, *or* Magistrate, [*as the Case may be,*] having considered the foregoing Application and Attestation, grants Warrant as craved. (Signed) *C.D.*

SCHEDULE

SCHEDULE (E.)

Name of Burgh _____

GENERAL SEWER RATE [*or* SPECIAL SEWER RATE and PRIVATE IMPROVEMENT ASSESSMENT, *as the Case may be*].

Description of Subjects.	Name of Owner.	Name of Occupier.	Rental.	Rate or Assessment due and chargeable at						
				15 May 18 .	15 May 18 .	15 May 18 .	15 May 18 .	15 May 18 .	15 May 18 .	15 May 18 .
General Sewer Rate										
Special Sewer Rate										
Private Improvement Assessment.										

Date _____

A. B., Collector.

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TO THE

POLICE AND IMPROVEMENT (SCOTLAND) ACT,

25° & 26° VICTORIÆ, CAP. 101.

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CAP. CII.

An Act to amend the Metropolis Local Management Acts.—[7*th* August 1862.]

CAP. CIII.

An Act to amend the Law relating to Parochial Assessments in England.—[7*th* August 1862.]

CAP. CIV.

An Act for the Discontinuance of the Queen's Prison, and Removal of the Prisoners to Whitecross Street *Prison.*—[7*th* August 1862.]

CAP. CV.

An Act to transfer the Roads and Bridges under the Management of the Commissioners of Highland Roads and Bridges to the several Counties in which the same are situate, and to provide for other Matters relating thereto.—[7*th* August 1862.]

WHEREAS by the Act Forty-third *George* the Third, Chapter Eighty, the Sum of Twenty thousand Pounds was directed to be issued from His Majesty's Exchequer in *Great Britain*, to be paid and applied by the Commissioners thereby appointed in the making and erecting Roads and Bridges in the Highlands of *Scotland:* And whereas by the Act Fifty-ninth *George* the Third, Chapter One hundred and thirty-five, further Commissioners were appointed, and on a Recital that certain Roads and Bridges had been made in the Highlands of *Scotland*, and that various Grants of Monies had been made for that Purpose, Provision was made for the Appropriation of the Monies granted in manner therein mentioned, and for the Payment out of the Public Money of a Sum of Five thousand Pounds annually towards the Purposes of the said Act: And whereas by the Act Fourth *George* the Fourth, Chapter 56.

43 G. 3. c. 80.

59 G. 3. c. 135.

4 G. 4. c. 56.

Chapter Fifty-six, Provision was made for eventually increasing the Assessments leviable under the recited Acts, or for erecting Toll Bars for the Collection of Rates and Duties or Tolls in aid or in lieu of such Assessments, and for the Purpose of maintaining in repair the several Piers and Quays erected by the said Commissioners under the Authority of the recited Acts, or One of them, Power was given to the said Commissioners to levy certain Tolls or Dues on Vessels or Boats using, and on Goods embarked from or landed at such Piers and Quays: And whereas by the Act Fifth *George* the Fourth, Chapter Thirty-eight, further Provision was made for the Execution of the recited Acts, and specific Allotments out of the said annual Grants of Five thousand Pounds were made to the Counties therein mentioned in aid of the Expense of repairing the Roads and Bridges within the same: And whereas by the Act Third and Fourth *William* the Fourth, Chapter Thirty-three, certain Powers were given to the said Commissioners to remove Doubts that had arisen in the Interpretation of the Two last-recited Acts in Cases where Tolls had been imposed upon Roads, for the Maintenance of which such Tolls had afterwards proved inadequate, and on a Recital that it had in some Cases appeared inexpedient to the said Commissioners to enforce the Provisions of the third-recited Act made for the Purpose of maintaining in repair the Piers and Quays erected by the said Commissioners, by levying Tolls or Dues thereon, the said Commissioners were empowered, in case they should deem it expedient, with the Consent of the Heritors and Commissioners of Supply of the County within which such Piers or Quays should be situate, to assume the Care of maintaining in repair, altering or improving the same, and such Piers and Quays were thenceforth to be maintained in repair by them in the same Manner and with and under the same Powers and Limitations as the Roads and Bridges whereon no Tolls were levied: And whereas under the Provisions of the recited Acts Roads and Bridges have been made, and Harbours, Ferry Piers, and Shipping Quays have been constructed, in several of the Northern Counties of *Scotland*: And whereas by the Act Fourteenth and Fifteenth *Victoria*, Chapter Sixty-six, on a Recital that the Stone Bridge over the River *Ness* at the Royal Burgh of *Inverness* had been destroyed by a Flood, and that there were no adequate available Means of defraying the Expenses of rebuilding the same, the said Commissioners were empowered to make a new Bridge over the River *Ness*, and Provision was made for the Appropriation of a Sum of Public Money, and also for an Advance of Ten thousand seven hundred

5 G. 4. c. 38.

3 & 4 W. 4. c. 33.

14 & 15 Vict. c. 66.

dred Pounds out of the Consolidated Fund by way of Loan, and for the Repayment of the said Sum of Ten thousand seven hundred Pounds with Interest, by Means of certain Payments out of the Sums allotted by the fourth-recited Act, out of the annual Grant of Five thousand Pounds: And whereas by the Act Eighteenth and Nineteenth *Victoria*, Chapter One hundred and thirteen, the Provisions of the last-recited Act were extended, and on a Recital that the Expense of erecting the said Bridge had exceeded the estimated Amount thereof, Provision was made for an Advance of a further Sum of Three thousand Pounds out of the Consolidated Fund by way of Loan, to be repaid, with Interest, in the same Manner as is provided by the last-recited Act with reference to the said Sum of Ten thousand seven hundred Pounds: And whereas such Payments have hitherto been regularly made, pursuant to the Provisions of the Two last-recited Acts: And whereas by the Act Seventeenth and Eighteenth *Victoria*, Chapter Ninety-four, the annual Grant to the Commissioners charged by the second-recited Act upon the Public Revenues was directed to be thereafter paid out of such Aids or Supplies as might be from Time to Time provided by Parliament for the Purpose: And whereas the Payment of the said annual Sum of Five thousand Pounds has been discontinued by Parliament, and it is expedient that the Commission constituted by the first and second recited Acts should be dissolved, and that Provision should be made for winding up the Affairs thereof, and for the Maintenance of the Roads and Bridges, Harbours, Piers, and Quays made and erected under the Provisions of the recited Acts: And whereas by the Act Sixth and Seventh *Victoria*, Chapter Ninety-seven, the County of *Argyll* was for Road Purposes divided into Districts, which were placed under the Superintendence of District Road Trustees, and certain Provisions were made for the Purpose of maintaining the Roads under the Management of the said Commissioners: And whereas by the Act Twenty-third and Twenty-fourth *Victoria*, Chapter Two hundred and one, all the Roads in the County of *Caithness*, with the Exception of the Roads within the Boundaries of the Towns of *Wick* and *Thurso*, and of the Roads under the Management of the said Commissioners, were vested in Trustees for the whole County: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

18 & 19 Vict. c. 113.

17 & 18 Vict. c. 94.

6 & 7 Vict. c. 97.

23 & 24 Vict. c. 201.

I. This Act may be cited for all Purposes as "The Highland Roads and Bridges Act, 1862." Short Title.

II. The

Interpretation of Terms.

II. The following Expressions in this Act shall have the Meanings hereby assigned to them; that is to say, the Expression "the Commissioners" shall mean the Commissioners of Highland Roads and Bridges; and the Expression "the Roads" shall mean the Roads and Bridges at present under the Management of the Commissioners.

Dissolution of the Commission.

III. From and after the Thirty-first Day of *December* One thousand eight hundred and sixty-two the Powers of the Commissioners shall, so far as regards the Control and Management of the Roads, and the Appointment and Payment of Officers, cease and determine, but all other Powers now vested in the Commissioners shall, for the Purpose of winding up their Affairs, remain and be exerciseable until the Commissioners shall, in compliance with the Provision contained in the second-recited Act, present their next Report to Parliament, and upon the Presentation of such Report the Commission constituted by the first and second recited Acts shall be absolutely dissolved.

Transfer of Roads and other Property to Commissioners of Supply.

IV. From and after the said Thirty-first Day of *December* One thousand eight hundred and sixty-two, the Roads which in any County are at present under the Management of the Commissioners, together with the Bridges, Lands, Toll Houses, Buildings, Works, Rights, Interests, Arrears of Assessments, Monies, Property, and Effects, Rights of Action, Claims, and Demands whatsoever pertaining thereto respectively, shall, except in the Case of the Counties of *Argyll* and *Caithness*, be and are hereby transferred to and vested in the Commissioners of Supply of such County, and in the Case of the said County of *Argyll* shall be and are hereby transferred to and vested in the Road Trustees of the respective Districts of such County within which the Roads are respectively situate, and in the Case of the said County of *Caithness* shall be and are hereby transferred to and vested in the Road Trustees of such County; and such Commissioners of Supply or Road Trustees (as the Case may be) may act in respect thereof as effectually as the Commissioners might have done if this Act had not been passed.

Roads to be maintained by Commissioners of Supply.

V. From and after such Transfer as aforesaid, the Management of the Roads shall be vested in the Commissioners of Supply, or in the Road Trustees (as the Case may be) of the Counties within which such Roads are respectively situate; and the Commissioners of Supply or Road Trustees respectively shall thereafter maintain in proper and efficient repair the Roads so transferred to them, and shall respectively have and exercise with reference thereto as well all the Rights, Powers, and Privileges possessed and enjoyed by them in connexion

nexion with the Roads at present under their Jurisdiction and Control within their respective Counties or Districts, as all the Rights, Powers, and Privileges which would have been competent to and might have been exercised by the Commissioners previous to such Transfer: Provided always, that it shall not be lawful to demand and take more than One Penny *per* Mile for every Horse drawing any Mail Carriage.

Sheriff may make Orders for Repair of Roads.

VI. After such Transfers as aforesaid it shall be lawful for the Sheriff of any County in which any Part of the Roads is situate, and he is hereby required, upon a Complaint in Writing under the Hand of any Four Heritors in such County, or in any Road District in the said County of *Argyll*, setting forth that any of the Roads in such County or District are not in a proper State of Repair, to hear such Evidence as to the Condition of such Roads, and as to what Repairs, if any, are required to be made thereon, as he shall deem necessary, and thereupon it shall be lawful for the Sheriff to make such Orders for the Repairs of the Roads, if any such are required, as to him shall seem fit, and to decern for such Expenses to be paid in the Matter of such Complaint, either by the Complainers or the Commissioners of Supply, or the Road Trustees, (as the Case may be,) as he may think fit, and the Orders and Decrees of the Sheriff shall be final, and not be subject to Revision or Appeal in any Court or by any Process whatsoever.

Contracts enumerated in Schedule (A.) may be enforced.

VII. And whereas the several Contracts for the Maintenance and Repair of the Roads enumerated in Schedule (A.) to this Act have been entered into by or on behalf of the Commissioners, and are still in force: From and after the said Thirty-first Day of *December* One thousand eight hundred and sixty-two such Contracts shall cease and determine as regards the Commissioners or any Person or Persons acting on their Behalf, except in regard to any Claims due and payable by the Commissioners prior to the said Thirty-first Day of *December* One thousand eight hundred and sixty-two, but shall be binding on and enforceable by and against the Commissioners of Supply or the Road Trustees (as the Case may be) of the Counties to which the same may respectively relate, as fully as the same would have been binding on or enforceable by and against the Commissioners, or such Person or Persons as aforesaid, if this Act had not been passed.

Actions not to abate.

VIII. No Action, Suit, Prosecution, or other Proceeding whatsoever commenced by or against the Commissioners, or by or against any Persons acting on their Behalf, shall abate, cease, or be discontinued or prejudicially affected by this Act, but the same shall continue and take effect both in favour of and

and against the Commissioners of Supply of the respective Counties or the Road Trustees (as the Case may be), so far as the same are applicable to the Roads to be transferred to such Commissioners of Supply or Road Trustees respectively as aforesaid, in the same Manner in all respects as if this Act had not been passed.

Power to abandon Portions of Roads.

IX. The Commissioners of Supply or the Road Trustees (as the Case may be) to whom the Roads shall be transferred as aforesaid may abandon, alter, straighten, divert, or stop up, either temporarily or permanently, any Portions of the Roads so respectively transferred to them, should such Portions of Roads become, in the Opinion of such Commissioners of Supply or Trustees, unnecessary for general or local Traffic; and for the special Purposes aforesaid the Commissioners of Supply or the Road Trustees (as the Case may be) shall have and exercise all the Powers with respect to the Purchase of Lands by Agreement which are conferred upon the Promoters of Undertakings by "The Lands Clauses Consolidation (*Scotland*) Act, 1845:" Provided always, that at least Six Months Notice of the Resolution or Order to effect any of such Purposes shall be given in Writing to the Owners of the Lands adjacent to such Roads, and during that Time such Resolution or Order shall be inserted for Three successive Weeks in some One and the same Newspaper published in the County in which such Portions of Roads proposed to be affected may be situate, or if there be no such Newspaper, then in some One and the same Newspaper published in some adjoining or neighbouring County.

8 & 9 Vict. c. 19.

Persons aggrieved may appeal to the Sheriff.

X. Any Person who shall think himself aggrieved by such Resolution or Order may, within Ten Days after he shall have received such Notice as aforesaid, apply by summary Petition to the Sheriff of the County within which the Roads proposed to be affected are situate, setting forth specifically his Objections, which Petition shall be intimated to and served upon the Commissioners of Supply or the Road Trustees (as the Case may be), whose Resolution or Order may be objected to, and a Time and Place shall be appointed by the Sheriff for hearing the Parties thereon; and after hearing the Petitioner and the Commissioners of Supply or the Road Trustees (as the Case may be), and any other Persons who may be interested in such Petition, and taking such Evidence as he shall deem necessary, it shall be lawful for the Sheriff to suspend the Execution of such Resolution or Order, and to grant or refuse the Prayer of such Petition, in whole or in part, and to sustain or repel such Objections, and to pronounce such Judgment in reference thereto as he shall think fit.

If dissatisfied with

XI. If the Petitioners or Commissioners of Supply or the Road

Road Trustees (as the Case may be), or any other Person interested in such Petition, and who made appearance and was heard before the Sheriff, shall be dissatisfied with the Judgment of the Sheriff, it shall be competent to such Parties or any of them to appeal from such Judgment within One Month after the Date thereof, and to bring the same by Advocation under Review of any Lord Ordinary in the Outer House of the Court of Session; and the Judgment to be pronounced by such Lord Ordinary in the Matter of such Petition shall be final, and shall not be subject to Review by the Inner House, or to Appeal to the House of Lords.

Decision of Sheriff may appeal to the Lord Ordinary in the Court of Session.

XII. The Commissioners of Supply to whom the Roads shall be transferred as aforesaid shall annually impose and levy an Assessment in their respective Counties, either separately or as Part of a General Road Assessment, upon and from all Lands and Heritages within such Counties respectively, according to the yearly Rent or Value thereof, as established by the Valuation Rolls, made up under the Valuation of Lands (*Scotland*) Acts, Seventeenth and Eighteenth *Victoria*, Chapter Ninety-One, and Twentieth and Twenty-first *Victoria*, Chapter Fifty-eight, or any other Act relating to the Valuation of Lands in *Scotland*, or any Local Act relating to any of such Counties, which may be in force for the Time being, and that at such Rate in every Year as shall be necessary in order to provide sufficient Funds for the Purposes of this Act, including such Sum as may be requisite to cover the Expenses of Assessment and Collection, and such Assessments shall be imposed, levied, and recovered in the Manner provided by the recited Acts or any of them, and under the Provisions thereof, which are hereby incorporated with this Act, and made applicable to the Assessments to be levied under this Act; and for the Purposes of this Act such Parts of the Counties of *Cromarty* and *Nairn* as lie in the County of Ross shall be considered as belonging to the said last-mentioned County; and the first of such annual Assessments shall be imposed at any of the half-yearly Meetings of such Commissioners of Supply which shall take place after the passing of this Act for the Year from the First Day of *January* One thousand eight hundred and sixty-three to the First Day of *January* One thousand eight hundred and sixty-four.

Assessment to be levied for the Purposes of this Act.

XIII. From and after the said Thirty-first Day of *December* One thousand eight hundred and sixty-two the Twenty-sixth and Twenty-seventh Sections of the recited Act of the Sixth and Seventh *Victoria* shall be and the same are hereby repealed; and so long as such Act shall continue in force the General Road Trustees of the said County of *Argyll* shall annually apportion among the several Districts of the said County

Roads in the Counties of Argyll and Caithness to be maintained out of Assessments

levied under existing Acts.

County of *Argyll*, according to the Amount of their respective Valuations for Assessment under the said last-mentioned Act, such a Sum as may be required for the Maintenance of the Military Roads and Bridges within the said County; and the Road Trustees of the several Districts within the said County of *Argyll* to whom the Roads are to be transferred as aforesaid shall apply the Assessments which they are authorized to levy by such Act, first, in Payment to the County Collector in every Year of the Proportion falling to be paid by each District on account of the said Military Roads and Bridges as aforesaid, such County Collector paying to the Trustees of the Districts within which such Military Roads and Bridges are respectively situate the Monies which shall thus come into his Hands in proportion to the Length of such Military Roads within such last-mentioned Districts respectively; and, secondly, in or towards the Maintenance of the Roads within their respective Districts, in the same Manner in all respects as such Assessments are applicable to any Roads at present under the Jurisdiction and Control of the District Road Trustees; and from and after the said Thirty-first Day of *December* One thousand eight hundred and sixty-two the Forty-first Section of the recited Act of the Twenty-third and Twenty-fourth *Victoria* shall be and the same is hereby repealed; and so long as such Act shall continue in force the Road Trustees of the said County of *Caithness* shall apply the Assessments which they are authorized to levy by the said last-mentioned Act in or towards the Maintenance of the Roads so transferred to them as aforesaid, in the same Manner in all respects as such Assessments are applicable to any Roads at present under their Jurisdiction and Control.

Burghs to contribute to Repair of Roads within any Burgh.

XIV. When any Portion of the Roads is situate within any Burgh, the Commissioners of Supply or the Road Trustees (as the Case may be) who shall be entitled to levy Assessments in the County or District within which such Burgh may be situate shall take whatever Steps may be necessary for ascertaining the probable annual Cost of repairing and maintaining such Portion of the Roads, and they shall transmit to the Magistrates of such Burgh a Statement of such estimated Cost, and the Magistrates of such Burgh shall be bound within One Calendar Month after receiving such Statement to lodge in Writing with the Clerk of the Commissioners of Supply any Objections which they may have to the same, with the Reasons for such Objections, and failing to do so they shall not thereafter be entitled to dispute the Correctness of the Statement; and if any Objections shall be so lodged, and no Agreement can be come to as to the Correctness of the Statement within a Week after

after such Objections shall have been lodged as aforesaid, the Matters in difference shall be determined, upon the Application of any of the Parties, by the Sheriff, whose Decision shall be final and binding, and shall not be liable to Appeal or Suspension, Advocation or Reduction, or any other Form of Review; and upon the Statement being so agreed to or determined upon, the Magistrates of each Burgh shall annually enforce and levy such an Assessment upon and from the Lands and Heritages within such Burgh as shall be sufficient to defray the annual Cost of repairing and maintaining such Portion of the Roads as aforesaid, and also the Cost of Assessment and Collection, and such Assessment shall be imposed and levied within such Burgh as like Assessments are imposed and levied therein, and such Magistrates as aforesaid may proceed in like Manner, and with the same Powers and Right of Action and Diligence, and of issuing summary Warrants and Proceedings for the Recovery of the same, as may be competent with respect to any Municipal or Police or General Assessment with which the said Magistrates may deem it most expedient the said Assessments should be laid on and collected, and any Board or other Public Body which may be directed by the Magistrates of any Burgh to levy and collect the said Assessments are hereby empowered and required to do so: Provided always, that in any Burgh in which there may be no Municipal or Police or other General Assessment, or in any Burgh in which it may appear to the Magistrates to be inexpedient to levy the Assessment, they may collect the same in such Manner and by means of such Collectors or other Persons as they shall from Time to Time appoint; and the Magistrates of each Burgh shall from Time to Time hand over to the Commissioners of Supply or to the Road Trustees (as the Case may be) the full Amount of such annual Assessment, after deducting the Cost of Assessment and Collection, and such annual Assessment shall be expended for the general Repair and Maintenance of the Roads within such Burgh in such Manner as they shall think fit.

Boundaries of Burghs for the Purposes of this Act.

XV. The Boundaries of Burghs for the Purposes of this Act shall be the Boundaries thereof as the same are ascertained and fixed under the Provisions to that Effect contained in the following Acts; *viz.*, the Act Seventeenth and Eighteenth *Victoria*, Chapter Ninety-one, the Act Twentieth and Twenty-first *Victoria*, Chapter Fifty-eight, the Act Twentieth and Twenty-first *Victoria*, Chapter Seventy, and the recited Act Twenty-third and Twenty-fourth *Victoria*, Chapter Two hundred and one.

Warrants and Proceedings for Recov-

XVI. The whole Powers and Rights of issuing summary Warrants and Proceedings, and all Remedies and Provisions enacted

ery of Land and Assessed Taxes applicable to Assessments under this Act.

enacted for collecting, levying, and recovering the Land and Assessed Taxes, or any of them, and other Public Taxes, shall be applicable to the collecting, levying, and recovering the Assessments under this Act, and all Sheriffs, Magistrates, Justices of the Peace, and other Judges may grant the like Warrants for Recovery of all such Assessments in the same Form and under the same Penalties as is provided in regard to such Land and Assessed Taxes, and other Public Taxes; and all Assessments imposed by virtue of this Act shall, in case of Bankruptcy or Insolvency, be paid out of the first Proceeds of the Estate, and shall be preferable to all other Debts of a private Nature due by the Persons assessed.

Appointment of Committees and Officers.

XVII. From and after the passing of this Act the Commissioners of Supply of the several Counties to whom the Roads shall be transferred by virtue thereof may nominate Committees of their Number, in such Manner and with such Powers and for such Periods as they may deem proper, to superintend the Management of the Roads; and the Commissioners of Supply or the Road Trustees (as the Case may be) may appoint a fit Person or fit Persons to be Surveyor or Surveyors, Clerk or Clerks, or such other Officers as they shall think necessary for the due Execution of this Act, either separately or in connexion with other Roads under their Management, with such Salaries or Allowances as such Commissioners of Supply or Road Trustees (as the Case may be) shall think proper, for which Provision shall be made by Assessment made pursuant to this Act, and from Time to Time to remove such Officers or any of them as they shall see Occasion, and to appoint others in their Room.

The Loans of 10,700*l.* and 3,000*l.* extinguished.

XVIII. From and after the passing of this Act all future Payments which would have been made, pursuant to the Provisions of the Sixth and Seventh recited Acts, for the Repayment of the said Sums of Ten thousand seven hundred Pounds and Three thousand Pounds advanced on Loan as aforesaid, shall cease, and such Loans shall be considered as wholly repaid or extinguished.

Transfer of Piers and Harbours by Commissioners.

XIX. And whereas the Commissioners have, under Powers conferred upon them by the recited Acts or some of them, constructed several Harbours, Piers, and Quays: And whereas the Harbours enumerated in Schedule (B.) to this Act have, by various Local Acts or otherwise, been transferred to and are now vested in other Bodies or Persons, and the Piers and Quays enumerated in Schedule (C.) to this Act, though maintained out of Assessments made in the Counties in which they are respectively situate, are still the Property of the Commissioners, and the Harbours enumerated in Schedule (D.) to this Act have for some Time been and are now maintained by Rates

Rates and managed either by the Commissioners or by the Proprietors of the Lands in which such Harbours are situate: And whereas it is expedient that Provision should be made for the future Maintenance of the Piers, Quays, and Harbours in the said Schedules (C.) and (D.) to this Act: Such of the Piers and Quays enumerated in the said Schedule (C.) to this Act as are situate in the said County of *Argyll* shall on the said Thirty-first Day of *December* One thousand eight hundred and sixty-two be transferred to the Road Trustees within whose Districts such Piers and Quays are respectively situate, and all other Piers and Quays enumerated in the said Schedule (C.) to this Act shall on the said Thirty-first Day of *December* One thousand eight hundred and sixty-two be transferred to the Commissioners of Supply of the Counties within which such Piers and Quays are respectively situate, and from and after such Transfers such Piers and Quays shall be maintained by such Road Trustees or Commissioners of Supply respectively (as the case may be), in the same Manner and under the same Conditions as they are respectively bound to maintain the Roads to be respectively transferred to them under the Provisions of this Act; and the Harbours enumerated in the said Schedule (D.) to this Act may be transferred by the Commissioners in such Manner and upon such Terms as they shall think fit to the Owners of the Lands in which such Harbours are respectively situate; and in case any of such Owners shall decline to accept such Transfer, then to such other Person or Persons as the Commissioners may in the Exercise of their Discretion think fit; and the Limits of any Harbour which may be transferred pursuant to this Act shall extend to Three hundred Yards, measured in a straight Line along the Coast, on either Side of such Harbour, and the same Distance Seaward, measured from the Mouth or Entrance thereof; and upon the Transfer of any Harbour as aforesaid the Person or Persons to whom such Transfer may be made shall have and exercise all the Powers and be subject to all the Liabilities which are conferred and imposed upon Undertakers by "The Harbours, Docks, and Piers Clauses Act, 1847," with the Exception of such Liabilities as are imposed by Sections Sixteen, Seventeen, Eighteen, Nineteen, Forty-nine, and Fifty of the said last-mentioned Act: Provided always, that the Road Trustees or the Commissioners of Supply (as the Case may be) to whom the said Piers and Quays shall be transferred as aforesaid may abandon any of such Piers and Quays as may in their Opinion be or become unnecessary for general or local Trade, but in the Exercise of this Power the Road Trustees or the Commissioners of Supply (as the Case may be) shall be subject and liable to similar

similar Provisions and Conditions with regard to Notices, Applications to the Sheriff, and Appeals to the Lord Ordinary of the Court of Session, as are contained and prescribed in the Ninth, Tenth, and Eleventh Sections of this Act with reference to the Abandonment of Portions of Roads.

Power to levy Rates and to borrow Money.

XX. The Persons to whom the several Harbours enumerated in the said Schedule (D.) to this Act may be transferred under the Powers of this Act respectively, and their respective Heirs and Assigns, may demand and receive in respect of the Vessels, Goods, Persons, and Things in Schedule (E.) to this Act described entering or using, or shipped or unshipped, landed or delivered in such Harbours respectively, any Sums not exceeding the Rates in the said Schedule (E.) to this Act specified; and such Persons respectively, and their respective Heirs and Assigns, may from Time to Time borrow on the Security of such Rates such Sums of Money as may be required to enlarge and improve the Harbours which may be so transferred as aforesaid: Provided always, that the Interest accruing on the Money so borrowed shall be regularly kept down and not allowed to accumulate, and that the Principal Sums borrowed shall be respectively repaid within Fifty Years from the Time of borrowing.

Sheriff may make Orders for Repair of Piers, &c.

XXI. After any such Transfer of Piers, Quays, or Harbours as aforesaid (but subject to the Power of Abandonment contained in the Nineteenth Section of this Act) it shall be lawful for the Sheriff of any County in which such Piers, Quays, or Harbours are respectively situate, and he is hereby required, upon a Complaint in Writing under the Hand of any Four Persons being Heritors of such County, or ordinarily using such Piers, Quays, or Harbours, setting forth that any of the same are not in a proper State of Repair, to hear such Evidence as to the Condition thereof, and as to what Repairs, if any, are required to be made thereon, as he shall deem necessary, and thereupon it shall be lawful for the Sheriff to make such Orders for the Repair of the said Piers, Quays, or Harbours, if any such are required, as to him shall seem fit, and to decern for such Expenses to be paid in the Matter of such Complaint as he may think fit, and the Orders and Decrees of the Sheriff shall be final and not be subject to Revision or Appeal in any Court or by any Process whatsoever.

Endurance of Act.

XXII. The Powers and Provisions of this Act, so far as regards the Erection and Maintenance of all Gates, and the Imposition and levying of Tolls, shall be and continue in force for the Term of Twenty-one Years from and after the passing of this Act, and thence to the End of the then next Session of Parliament.

SCHEDULES

SCHEDULES referred to in this Act.

SCHEDULE A.

Contracts of the Commissioners still in force.

Roads or Districts of Roads.	Length of Roads under Contract.	Names of Contractors.	When Contracts expire.	Annual Amount of Contracts.	At what Periods payable.	Total Amount payable under Contracts.
COUNTY OF INVERNESS.	Miles. Yards.			£ s. d.		£ s. d.
Inverness and Nairn Road, Fort George Road and Branches, and North Part of North Boleskine Road.	31 0	James MacGillivray.	1st June 1863	306 13 0	Aug., Sept., Dec., and June.	919 19 0
Moy Badenock and Inverfarigaig Road.	42½ 0	John and Donald Grant.	Do.	429 10 0	Do.	1,288 10 0
Southern Portion of Badenock Road.	41 0	John and Donald Grant.	Do.	445 0 0	Do.	1,335 0 0
Eastern Portion of Fort William and Ardochy Branch Road.	23½ 0	John Cameron .	Do.	130 0 0	Do.	390 0 0
Western Portion of Fort William Road.	22 0	Jas. McGillivray and Peter Cameron.	Do.	155 0 0	Do.	465 0 0
South Boleskine and South Portion of North Boleskine Road.	26¼ 0	Duncan McDonald	Do.	106 0 0	Do.	318 0 0
Glenelg Road . . .	7¾ 0	Donald Cameron	Do.	45 0 0	Do.	135 0 0
Sconser and Ashiek Roads	27½ 0	Jno. Kennedy and Alex. Robertson.	Do.	130 0 0	Do.	390 0 0
Broadford Road . . .	15¾ 0	Malcolm and Donᵈ McInnes.	Do.	82 0 0	Do.	246 0 0
Stein, Macleod, and Dungevan Roads.	34 0	Donᵈ and Ewen McInnon.	Do.	160 10 9	Do.	481 12 3
Portree Road . . .	12½ 0	Do.	Do.	86 5 8	Do.	258 17 0
East Laggan and Carryarrock Road.	28¼ 0	John Macdonald	10th June 1864	137 0 0	Do.	411 0 0
Speyside Road . . .	6 200	Duncan Cameron	Do.	35 0 0	Do.	106 10 0
Beauly and Strathglass Road.	38 0	John Forsyth .	1st June 1864	431 15 0	Do.	1,295 5 0
Glengarry 31 m. 1,113 yds. and Rhaebine Rd. 3 m.	34 1,113	Ewen Cameron .	Do.	175 0 0	Do.	525 0 0
West Laggan Road . .	16 0	John Cameron .	Do.	88 0 0	Do.	264 0 0
Ballechernoch Road . .	5 0	John McDonald	Do.	21 0 0	Do.	63 0 0
Invermorriston Road . .	27 0	Alexr. Mackenzie	Do.	208 0 0	Do.	624 0 0
Snizort Road . . .	18 0	Alexr. Maclean .	Do.	153 5 0	Do.	459 15 0
Total . .	456 1,313			3,325 9 5		9,976 8 3
COUNTY OF ROSS.						
Contin and Fearn Road .	30¾ Miles	Donald Mann .	1st June 1863	388 1 4	Do.	1,164 4 0
Invergordon Road . .	17 ,,	John Munro .	Do.	324 11 4	Do.	973 14 0
Tain Road	15 ,,	Donald Ross .	Do.	148 5 8	Do.	444 17 0
Glenshier Road and Glenelg Road.	20¾ ,,	Donald Cameron	Do.	104 10 0	Do.	313 10 0
Lochalsh and Ardelve Road	16½ ,,	Jno. Kennedy and Alex. Robertson	Do.	80 0 0	Do.	240 0 0
Dingwall Fortrose and Kessock Branch Roads.	29½ ,,	Wm. and James Stewart.	1st June 1864	480 0 0	Do.	1,440 0 0
Eastern Division of Loch Carron Road.	25 ,,	John Fraser .	Do.	134 15 4	Do.	404 6 0
Western Division of Loch Carron Road and Kishorn Road.	37 ,,	Duncan Matheson	Do.	149 0 0	Do.	447 0 0
Rhaebine Road . . .	7 ,,	Ewen Cameron .	Do.	35 0 0	Do.	105 0 0
Total . .	198½ Miles			1,844 3 8		5,532 11 0

Roads or Districts of Roads.	Length of Roads under Contract.	Names of Contractors.	When Contracts expire.	Annual Amount of Contract.	At what Periods payable.	Total Amount payable under Contracts.
COUNTY OF SUTHERLAND.				£ s. d.		£ s. d.
Sutherland Coast Road .	47 Miles	John Grant .	1st May 1864	508 19 6	Aug., Sept., Dec. & June	1,526 18 6
COUNTY OF CAITHNESS.						
Dunbeath Road . . .	33 Miles	Donald Mackenzie	1st May 1863	485 2 0 for two yrs.	Do.	970 4 0
Thurso Road . .	21 ,,	George Gilchrist	1st May 1864	386 0 0	Do.	1,158 0 0
Total . .	54 Miles			871 2 0		2,128 4 0
COUNTY OF NAIRN.						
Findhorn 11 Miles, and Bemuchlye Road 9½ Miles.	20½ Miles	Angus McDonald	10th June 1864	89 0 0	Do.	267 0 0
COUNTY OF MORAY.						
Grantown 20 Miles, and Duthel Road 6½ Miles.	26½ Miles	John and Donald Grant.	1st June 1863	229 0 0	Do.	687 0 0
Findhorn Road . . .	3 ,,	Angus McDonald	10th June 1864	13 0 0	Do.	39 0 0
Speyside Road . . .	6 ,,	Duncan Cameron	,,	35 10 0	Do.	106 10 0
Total . .	35½ Miles			277 10 0		832 10 0
COUNTY OF BANFF.						
Speyside Road . . .	1⅔ Miles	Duncan Cameron	10th June 1864	9 15 0	Do.	29 5 0
Total . .	1⅔ Miles			9 15 0		29 5 0
COUNTY OF ARGYLL.						
Kilmelford Road . .	8¾ Miles	Neil Munro .	10th June 1864	40 0 0	Do.	120 0 0
Strachur Road . . .	12 ,,	Dond and Peter Ferguson.	20th May ,,	58 4 0	Do.	174 12 0
Glendaruel Road . .	21 ,,	Archibald McDonald.	20th May ,,	123 0 0	Do.	369 0 0
Total . .	41¾ Miles			221 4 0		663 12 0

SCHEDULE

SCHEDULE (B.)

HARBOURS NOT NOW THE PROPERTY OF THE COMMISSIONERS.

1. Burghead, in the County of Moray.
2. Fraserburgh, in the County of Aberdeen.
3. Peterhead, in the County of Aberdeen.
4. Kirkwall, in the County of Orkney.
5. East Tarbet, in the County of Argyll.
6. Fortrose, in the County of Ross.
7. Tobermory, in the County of Argyll.
8. Banff, in the County of Banff.
9. Macduff, in the County of Banff.
10. Dingwall, in the County of Ross.
11. Cullen, in the County of Banff.
12. Gourdon, in the County of Kincardine.
13. Inverfarigaig, in Lochness, in the County of Inverness.
14. Jura, Small Isles, in the County of Argyll.
15. Nairn, in the County of Nairn.

SCHEDULE (C.)

PIERS AND QUAYS MAINTAINED BY COUNTY ASSESSMENTS.

1. Invergordon and Inverbrakie Ferry Piers, in the County of Ross.
2. Chanonry Ferry Pier, in the County of Ross.
3. Keills and Lagg Ferry Piers, in the County of Argyll.
4. St Catherine's Ferry Pier, in the County of Argyll.
5. Kylerhed Ferry Piers, in the County of Inverness.
6. Corran Ferry Piers, in the Counties of Inverness and Argyll.
7. Kylehakin Ferry Piers, in the Counties of Inverness and Ross.
8. Dornie Ferry Pier, in the County of Ross.
9. Strome Ferry Piers, in the County of Ross.
10. Feoline Ferry Pier, in Jura, in the County of Argyll.
11. Brodick Pier, in Arran, in the County of Bute.
12. Blackwater-foot, in the County of Argyll.

SCHEDULE (D.)

HARBOURS MAINTAINED BY RATES.

1. Avoch, in the County of Ross.
2. Ballintraid, in the County of Ross.
3. Portree, in the County of Inverness.
4. Portmahomack, in the County of Ross.

SCHEDULE (E.)

Rates on Vessels using the Harbours.

		s.	d.
For every decked or partly decked Vessel:			
Under the Burden of 20 Tons - -	per Ton	0	4
Of the Burden of 20 Tons and not exceeding 100 Tons - - -	per Ton	0	6
Of the Burden of 100 Tons and upwards	per Ton	0	10

Rates on Herring Boats, &c.

For every Herring Boat and every undecked Boat coming to the said Piers with Herrings or fresh Fish, or landing or taking on Board Goods or dried or salt Fish - - -	each	0	6

Rates on Passengers.

For every Person landing from or embarking in any Vessel - - - - - -		0	3

Rates on Animals and Goods shipped or unshipped in the Harbours.

Ale, Beer, or Porter - -	per Hogshead	0	6
Beef, fresh or salted, or other Provisions	per Barrel	0	3
Bone Dust - - - -	per Ton	1	0
Bricks - - - -	per 1000	0	8
Butter - - - -	per Cwt.	0	2
Carriages with Four Wheels - -	each	0	8
Carriages with Two Wheels - -	each	0	6
Cattle, Cows, Calves - - -	each	1	0
Horses, Asses, and Mules, - -	each	1	0
Pigs - - - -	each	0	$0\frac{1}{2}$
Sheep - - - -	each	0	$0\frac{1}{2}$
Coach or Cart Wheels - - -	per Pair	0	3
Coal - - - - -	per Ton	0	5
Copper, Lead, Zinc - - -	per Cwt.	0	3
Cordage - - - -	per Cwt.	0	3
Dogs (Sporting only) - - -	each	0	2
Fish, salted or dry - -	per Barrel Bulk	0	3
Flour - - - - -	per Sack	0	2
Groceries - - -	per Barrel Bulk	0	3
Guano and artificial Manures - -	per Ton	1	0
Hardware - - -	per Barrel Bulk	0	3
Hay - - - - -	per Ton	1	0
Hemp and Flax - - -	per Cwt.	0	3

Herrings

		s.	*d.*
Herrings, fresh	per Cran	0	1
Ditto, cured	per Barrel	0	3
Hides	per Cwt.	0	1½
Iron, Pig or old	per Cwt.	0	1
Ditto, Bar, Bolt, or Rod	per Cwt.	0	2
Lime	per Boll	0	0¼
Meal	per Bag of 280 lbs.	0	3
Oil	per Tun	1	0
Oilcake	per Ton	1	0
Potatoes	per Ton	0	6
Ropes and Rags (old)	per Cwt.	0	2
Salt	per Ton	0	10
Slates	per 1000	0	10
Spirits	per Hogshead of 56 Gallons	0	8
Staves	per 1000	0	4
Stones, paving or dressed	per Ton	0	4
Ditto, others	per Ton	0	3
Stucco	per Barrel	0	2
Sugar, &c.	per Cwt.	0	4
Tar	per Barrel	0	2
Tiles or Pipes for draining	per 1000	0	8
Ditto, roofing	per 1000	0	9
Timber, unwrought, of all Kinds	per Load of 50 Cubic Feet	0	10
Wheat, Barley, Bear, Peas, Beans, Oats, and all other Descriptions of Grain; Grass and Turnip Seeds	per Quarter	0	2
Wine in Cask	per Hogshead	0	8
Wool	per Cwt.	0	2
All other Articles not enumerated to pay at landing or shipping:			
If by Measurement	per Barrel Bulk	0	3
If by Weight	per Ton	1	4

Articles which can be measured to pay by Barrel Bulk, all others by Weight.

In charging the Rates on Goods the gross Weight or Measurement of all Goods to be taken, and for any less Weights, Measures, and Quantities than those above specified a Proportion of the respective Rates shall be charged.

Five Cubic Feet, not exceeding Two and a Half Hundredweight, to be rated as a Barrel Bulk, but when the Weight of Five Cubic Feet is greater than Two and a Half Hundredweight, then Two and a Half Hundredweight to be rated as a Barrel Bulk.

RATES FOR THE USE OF SHEDS, CRANES, AND WEIGHING MACHINES.

1. *Sheds.*

For each Ton of Goods of Eight Barrels Bulk, or for each Ton of Goods of Twenty Hundredweight, which shall remain in any Shed or on any Pier in the Harbours for a longer Time than Forty-eight Hours, the Sum of Threepence, and the Sum of One Penny per Ton for each Day during which such Goods shall remain after the First Forty-eight Hours.

2. *Cranes.*

						s.	*d.*
All Goods or Packages not exceeding One Ton					-	0	3
Exceeding One Ton and not exceeding Two Tons					-	0	4
,,	Two Tons	,,	,,	Three Tons	-	0	6
,,	Three Tons	,,	,,	Four Tons	-	0	8
,,	Four Tons	,,	,,	Five Tons	-	0	10
,,	Five Tons	,,	,,	Six Tons	-	1	0
,,	Six Tons	,,	,,	Seven Tons	-	1	2
,,	Seven Tons	,,	,,	Eight Tons	-	1	4
,,	Eight Tons	,,	,,	Nine Tons	-	1	8
,,	Nine Tons	,,	,,	Ten Tons	-	2	0
,,	Ten Tons -	-		- -	-	3	6

3. *Weighing Machines.*

For Goods weighed, One Penny for each Ton or Part of a Ton.

CAP. CVI.

An Act to amend the Law relating to the Appointment of County Surveyors in Ireland.—[7*th* August 1862.]

CAP. CVII.

An Act to give greater Facilities for summoning Persons to serve on Juries, and for other Purposes relating thereto.—[7*th* August 1862.]

CAP. CVIII.

An Act to confirm certain Sales, Exchanges, Partitions, and Enfranchisements by Trustees and others.—[7*th* August 1862.]

CAP. CIX.

An Act to continue the Corrupt Practices Prevention Act (1854).—[7*th* August 1862.]

WHEREAS an Act was passed in the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and two, "to consolidate and amend "the Laws relating to Bribery, Treating, and undue Influence "at Elections of Members of Parliament;" and such Act was amended by an Act of the Session holden in the Twenty-first and Twenty-second Years of Her Majesty, Chapter Eighty-seven: And whereas the said first-mentioned Act, as so amended, has, by an Act of the Session holden in the Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapter One hundred and twenty-two, been continued until the First Day of *September* One thousand eight hundred and sixty-two, and it is expedient that it should be further continued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

17 & 18 Vict. c. 102.

21 & 22 Vict. c. 87.

24 & 25 Vict. c. 122.

I. The said first-mentioned Act, as amended by the said Act of the Twenty-first and Twenty-second Years of Her Majesty, shall continue in force until the First Day of *September* One thousand eight hundred and sixty-three, and to the End of the then next Session in Parliament.

Duration of Act.

CAP. CX.

An Act to enable Boards of Guardians of certain Unions to obtain temporary Aid to meet the extraordinary Demands for Relief therein.—[7*th* August 1862.]

CAP. CXI.

An Act to Amend the Law relating to Lunatics.—[7*th* August 1862.]

CAP. CXII.

An Act for establishing the Jurisdiction of the Charity Commissioners in certain Cases.—[7*th* August 1862.]

CAP. CXIII.

An Act to amend the Law relating to the Removal of poor Persons from England *to* Scotland, *and from* Scotland *to* England *and* Ireland.—[7*th* August 1862.]

WHEREAS it is expedient that better Means should be provided for the safe Conveyance to the Place of their Destination in *England*, *Ireland*, or *Scotland* of poor Persons who may be removed in pursuance of the Acts passed in the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter Eighty-three, and Chapter One hundred and seventeen, and in the Tenth and Eleventh Years of the Reign of Her present Majesty, Chapter Thirty-three: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Warrant of Removal to Scotland to be signed by Two Justices or a

I. No Application for a Warrant ordering the Removal from any place in *England* to *Scotland*, or in *Scotland* to *England* or *Ireland*, of any poor Person who shall have become chargeable in such Place shall be heard and determined in *England*, except by Two or more Justices in Petty Sessions assembled, or by a Stipendiary Magistrate or Metropolitan Police Magistrate sitting

sitting in his Court; and in *Scotland*, except by the Sheriff or any Two Justices of the Peace of the County in which the Parish is situated to which such poor Person may have become chargeable, which Justices or Magistrate, and Sheriff or Justices (as the Case may be) shall see such poor Person, or the Person who is the Head of the Family proposed to be removed, and shall be satisfied that every Person who is proposed to be removed by the Warrant is in such a State of Health as not to be liable to suffer bodily or mental Injury by the Removal. Magistrate, and to England or Ireland by the Sheriff or Two Justices.

II. Such Warrant of Removal shall be granted in *England* only on the Application of the Relieving Officer, or other Officer of the Guardians of the Union or Parish, and in *Scotland* only on the Application of the Inspector of the Poor of the Parish or Combination, or other Officer appointed by the Parochial Board of such Parish or Combination, where such poor Person shall have become chargeable, and shall contain the Name and reputed Age of every Person ordered to be removed by virtue of the same, and the Name of the Place in *Scotland* or *England* or *Ireland*, (as the Case may be) where the Justices or Magistrate, or Sheriff or Justices, shall find such Person to have been born, or to have last resided for the Space of Five Years in the Case of a poor Person to be removed to *Scotland*, and Three Years in the Case of a poor Person to be removed to *England* or *Ireland*, and a Statement of such Examination having been made as to the State of Health of every Person ordered to be removed as aforesaid; and such Warrant shall be addressed to the Party applying for the same, and in the Case of a Removal to *Scotland*, to the Parochial Board or Inspector of the Poor of the Parish or Combination to which such poor Person is to be removed, and in the Case of a Removal to *England* or *Ireland* (as the Case may be), to the Guardians of the Union or Parish to which such Person is to be removed, and a Copy shall be given by and at the Cost of the Person applying for such Warrant to the Person or the Head of the Family about to be removed by virtue of it: Provided that in the Case of any Native of *England*, *Ireland*, or *Scotland* where the Justices or Magistrate, or Sheriff or Justices (as the Case may be), shall not be able to ascertain, upon the Evidence before them, the Place of Birth or of such continued Residence as aforesaid, they shall order the Pauper to be removed to the Port or Union or Parish in *England* or *Ireland* (as the Case may be), or Port or Parish in *Scotland*, which shall, in the Judgment of such Justices or Magistrate, or Sheriff or Justices (as the Case may be), under the Circumstances of the Case be most expedient. Warrant to contain Name and Age of every Person to be removed, and other Particulars. Proviso.

III. The Person obtaining the Warrant shall, at least Twelve Hours before the Removal, send a Copy of it by Post to the Inspector Copy of Warrant to be sent to

Parochial Board, or Clerks of Guardians of Union, or Parish to which Removal is to be made.

Inspector of the Poor of the Parish or Combination in *Scotland*, and to the Clerk of the Board of Guardians of the Union or Parish in *England* or *Ireland* (as the Case may be), to which such poor Person shall be ordered to be removed, and also a Copy of the Depositions taken in the Case, if the same shall, at any Time within Three Months from the Date of the Warrant, be required by any such Board of Guardians or Parochial Board.

Warrants shall order poor Persons to be conveyed to the Place mentioned in the Warrant.

IV. Such Warrant shall order the Removal of the poor Person to be made to the Place mentioned therein as aforesaid, and shall order the Persons charged with the Execution thereof to cause such poor Person with his Family (if any) to be safely conveyed to such Place in *England*, *Ireland*, or *Scotland* (as the Case may be), to be delivered, in the Case of a Removal to *Scotland*, to the Inspector of the Poor of the Parish or Combination, and in the Case of a Removal to *England* or *Ireland* at the Workhouse of such Place or of the Union or Parish containing the Port or Place nearest to the Place mentioned in the Warrant as the Place of the Pauper's ultimate Destination.

Relieving Officers and Inspectors of Poor to receive poor Persons named in Warrant under Penalty of 10*l*.

V. The Master of the Workhouse of the Union or Parish in *England* or *Ireland*, and the Inspector of the Poor of the Parish or Combination in *Scotland*, to which (as the Case may be) such Warrant is addressed, shall be bound to receive Delivery of the poor Person named in such Warrant, under a Penalty of Ten Pounds for each Case of Refusal, which Penalty may be recovered by the Person applying for such Warrant by an Action in any County Court in *England*, or Court of Quarter Sessions in *Ireland*, or Sheriff Court in *Scotland*, or other competent Court having Jurisdiction in the Place where such Master or Inspector is resident at the Time when such Action is brought.

Parochial Boards and Guardians may forward the Pauper to the Place of Destination and recover the Costs.

VI. If by reason of Default of the Guardians, Inspector of the Poor, or other Person having charge of such Warrant, or otherwise, the poor Person named therein shall not be removed to the Place of ultimate Destination, the Guardians of the Union or Parish in *England* or *Ireland*, or Parochial Board of the Parish or Combination in *Scotland* (as the Case may be), to which he has been removed, may, if they think fit, cause the Pauper to be removed forthwith to the Place mentioned in the Warrant, and shall be entitled to be reimbursed the Costs incurred in such Removal by the Guardians or Parochial Board (as the Case may be), or other Person on whose Application the Warrant was obtained, such Costs being the actual Expense incurred in and about the Conveyance and Maintenance of each Person so removed, which Costs may, if not paid on Demand, be recovered by an Action in any County Court in *England*

England or *Ireland*, or Sheriff Court in *Scotland*, or other competent Court having Jurisdiction in the Place from whence the Removal shall have taken place.

Women and Children not to be removed as Deck Passengers during the Winter.

VII. It shall be unlawful to remove any Woman, or any Child under the Age of Fourteen, as a Deck Passenger in any Vessel from *England* to *Scotland*, or from *Scotland* to *England* or *Ireland*, during the Period from the First of *October* to the Thirty-first of *March* following, and no Regulation of any Sheriff, Magistrate, or Justices authorizing such Removal shall be henceforth legal.

Part of Sect. 77. of 8 & 9 Vict. c. 83. repealed.

VIII. Section Seventy-seven of the Act Eighth and Ninth *Victoria*, Chapter Eighty-three, in so far as inconsistent with the Provisions of this Act, is hereby repealed.

Construction of this Act.

IX. Except so far as this Act shall alter the Provisions of the said Acts, this Act shall be construed as Part of the same.

CAP. CXIV.

An Act for the Prevention of Poaching.—[*7th* August 1862.]

WHEREAS it is expedient that the Laws now in force for the better Detection and Prevention of Poaching should be amended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation of Terms.

I. The Word "Game" in this Act shall for all the Purposes of this Act be deemed to include any One or more Hares, Pheasants, Partridges, Eggs of Pheasants and Partridges, Woodcocks, Snipes, Rabbits, Grouse, Black or Moor Game, and Eggs of Grouse, Black or Moor Game; and the Words "Justice" and "Justices" in this Act shall, unless otherwise provided for, mean respectively a Justice and Justices of the Peace respectively of or for the County, Riding, Division, Liberty, City, Borough, or Place in which any Game, Gun, Part of Gun, Net, Snare, or Engine after mentioned shall be found.

Power to Constables to search Persons without Warrant, in certain Cases.

II. It shall be lawful for any Constable or Peace Officer in any County, Borough, or Place in *Great Britain* and *Ireland*, in any Highway, Street, or public Place, to search any Person whom he may have good Cause to suspect of coming from any Land where he shall have been unlawfully in search or pursuit of Game, or any Person aiding or abetting such Person, and having

having in his Possession any Game unlawfully obtained, or any Gun, Part of Gun, or Nets or Engines used for the killing or taking Game, and also to stop and search any Cart or other Conveyance in or upon which such Constable or Peace Officer shall have good Cause to suspect that any such Game or any such Article or Thing is being carried by any such Person, and should there be found any Game or any such Article or Thing as aforesaid upon such Person, Cart or other Conveyance, to seize and detain such Game, Article, or Thing; and such Constable or Peace Officer shall in such Case apply to some Justice of the Peace for a Summons citing such Person to appear before Two Justices of the Peace assembled in Petty Sessions, as provided in the Eighteenth and Nineteenth of Her present Majesty, Chapter One hundred and Twenty-six, Section Nine, as far as regards *England* and *Ireland*, and before a Sheriff or any Two Justices of the Peace in *Scotland;* and if such Person shall have obtained such Game by unlawfully going on any Land in search or pursuit of Game, or shall have used any such Article or Thing as aforesaid for unlawfully killing or taking Game, or shall have been accessory thereto, such Person shall, on being convicted thereof, forfeit and pay any Sum not exceeding Five Pounds, and shall forfeit such Game, Guns, Parts of Guns, Nets, and Engines, and the Justices shall direct the same to be sold or destroyed, and the Proceeds of such Sale, with the Amount of the Penalty, to be paid to the Treasurer of the County or Borough where the Conviction takes place; and no Person who, by Direction of a Justice in Writing, shall sell any Game so seized shall be liable to any Penalty for such Sale; and if no Conviction takes place, the Game or any such Article or Thing as aforesaid, or the Value thereof, shall be restored to the Person from whom it had been seized.

Recovery of Penalties.

III. Any Penalty under this Act shall be recovered and enforced in *England* in the same Manner as Penalties under the Act First and Second *William* the Fourth, Chapter Thirty-two, and in *Scotland* under the Act Second and Third *William* the Fourth, Chapter Sixty-eight, and in *Ireland* under the Petty Sessions, *Ireland*, Act, 1851, when not otherwise directed in this Act.

Provisions of 11 & 12 Vict. c. 43. extended to this Act.

IV. The Powers and Provisions of the Act of the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three, shall extend and apply to this Act, and to all Proceedings, Matters, and Things to be taken, had and done, and to all Persons to be proceeded against or taking Proceedings under this Act.

No Conviction shall be

V. No Conviction or Order made under this Act, or Adjudication made on Appeal therefrom, shall be quashed for want of

of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

Quashed for Want of Form or removed by Certiorari.

VI. Any Person who shall think himself aggrieved by any such summary Conviction may appeal to the next Court of General or Quarter Sessions which shall be holden not less than Twelve Days after the Day of such Conviction for the County, Riding, Division, or Borough wherein the Cause of Complaint shall have arisen, provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such Sessions, and shall, within Three Days, enter into a Recognizance, or Bond of Caution in *Scotland*, with a sufficient Surety, before a Justice of the Peace, conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be awarded by the Court; and the Court at such Sessions shall hear and determine the Matter of Appeal, and shall make such Order therein, with or without Costs, to either Party, as to the Court shall seem fit, and shall, if necessary, issue Process for enforcing such Judgment.

Power of Appeal.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

Passed in the FOURTH Session of the EIGHTEENTH Parliament of the United Kingdom of *Great Britain* and *Ireland*.

25° & 26° VICT.

i. AN Act for enabling the *Great Northern* Railway Company to acquire additional Land near *Doncaster*, and extending the Time for the Sale of their superfluous Lands.

ii. An Act to enable the *Woolwich, Plumstead, and Charlton* Consumers Gas Company to raise a further Sum of Money.

iii. An Act to amend "The *Norwich* Corporation Markets Act, 1860," and to authorize the Purchase of additional Lands; and for other Purposes.

iv. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Ross* Turnpike Roads; and for other Purposes.

v. An Act to grant further Powers to the *Wycombe* Railway Company.

vi. An Act for extending the Term and amending the Provisions of the Acts relating to the *Folkestone* to *Barham Downs* Turnpike Road, in the County of *Kent*.

vii. An Act to authorize the *London and Blackwall* Railway Company to construct additional Works and take additional Lands for enlarging their Railway, and to confer further Powers upon the Company with reference to the raising of Capital; and for other Purposes.

viii. An Act to incorporate the Proprietors of Shares in the Undertaking called the *London, Tilbury, and Southend Extension* Railway, and to vest such Undertaking in the Company so incorporated; and for other Purposes.

ix. An Act to repeal the Act relating to the *Wareham* Turnpike Roads, and to make other Provisions in lieu thereof; and for other Purposes.

x. An Act to enable the *Faringdon* Railway Company to create Preference Shares; and for other Purposes.

xi. An

xi. An Act for making better Provision for the Relief of the Poor of the Parishes of *Saint Michael* and the *Holy Trinity, Coventry.*

xii. An Act for the *Winchester* Road in the County of *Southampton.*

xiii. An Act to create a further Term in the *Cirencester* District of Turnpike Roads; to repeal, amend, and extend the Powers of the Act relating to the said Roads; and for other Purposes.

xiv. An Act to authorize the *Much Wenlock and Severn Junction* Railway Company to raise further Sums of Money, and to subscribe an additional Sum to the *Wenlock* Railway; and for other Purposes.

xv. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the Second District of the *Bridport* Turnpike Roads in the County of *Dorset,* and to make other Provisions in lieu thereof.

xvi. An Act to amend some of the Provisions of the Deed of Settlement of "The *British* Plate Glass Company," and to confirm a Lease granted by, and to confer further Powers upon that Company.

xvii. An Act for rendering valid certain Letters Patent granted to *Thomas Webb,* of *Tutbury* in the County of *Derby,* Cotton Spinner, and *James Craig,* of the same Place, Manager.

xviii. An Act for the better supplying of the Borough of *Bradford* and Places near thereto with Water, and for authorizing the Mayor, Aldermen, and Burgesses of the Borough of *Bradford,* in order thereto, to raise further Monies; and for other Purposes.

xix. An Act to incorporate the *Heckmondwike* Gas Company, with Powers to manufacture and supply Gas within the Townships of *Heckmondwike* and *Liversedge* in the Parish of *Birstal* in the West Riding of the County of *York;* and for other Purposes.

xx. An Act for transferring from the Grand Jury of the County of *Cork* to the Commissioners of *Queenstown* the Management of the Roads and Bridges in the said Town, and for improving the said Town.

xxi. An Act to authorize the *Bristol and Exeter* Railway Company to subscribe a further Sum of Money to the *Chard and Taunton* Railway; and for other Purposes.

xxii. An Act for authorizing the *East London* Waterworks Company to raise further Monies, and for regulating their Capital and Borrowing Powers; and for other Purposes.

xxiii. An Act to enable the *Limerick* Market Trustees to bor-

row further Sums; and to amend "The *Limerick* Markets Act, 1852."

xxiv. An Act to enable Her Majesty's Paymaster General to repay to the *North Devon* Railway and Dock Company a Sum of Three thousand Pounds.

xxv. An Act for extending the Improvement of the District of *Rathmines* so as to include therein *Rathgar* and *Sallymount*, all in the County of *Dublin*.

xxvi. An Act to enable the Local Board of the District of *Tranmere* in the County of *Chester* to make new Roads and Sewers; and for other Purposes.

xxvii. An Act for the building of a new Market House in the Borough of *South Molton*; for the regulating of Markets and Fairs in the Borough; for the Improvement in other respects of the Borough; and for other Purposes.

xxviii. An Act to enable "The *Leeds* New Gas Company" to raise additional Capital, to extend their Limits for supplying Gas, and for other Purposes.

xxix. An Act for making a Pier and Harbour at *Brean Down* on the *Bristol Channel*, and for other Purposes.

xxx. An Act to repeal and consolidate the Acts relating to the *Bristol* Waterworks Company; to empower the Company to make fresh Works; and for other Purposes.

xxxi. An Act for the Preservation and Improvement of the Pier and Harbour of *Berwick-upon-Tweed*.

xxxii. An Act for enabling the Local Board of Health for the District of the Township of *Barnsley* in the West Riding of the County of *York* to construct and maintain an improved System of Waterworks to supply the District and other Places with Water, and to abandon and sell their existing Waterworks; to confer Powers on Park Keepers and Constables; to amend the Acts relating to the District; and for other Purposes.

xxxiii. An Act for granting further Powers for better supplying with Water the Town of *Falmouth*, and certain Places adjacent or near thereto.

xxxiv. An Act to authorize the *Tendring Hundred* Railway Company to extend their Railway in *Colchester*.

xxxv. An Act to authorize the *Dundee and Perth and Aberdeen* Railway Junction Company to raise further Money for the Purposes of their Undertaking and of the *Dundee and Newtyle* Railway; and to amend their Acts.

xxxvi. An Act to enable the *Uxbridge and Rickmansworth* Railway Company to make a Deviation of their authorized Line of Railway; and for other Purposes.

xxxvii. An Act for the Improvement and Lighting of a Portion of

of the Township of *Bollington* in the Parish of *Prestbury* in the County Palatine of *Chester*.

xxxviii. An Act to extend and define the Powers of the Right Honourable the Lord Mayor, Alderman, and Burgesses of *Dublin* in respect to the extinguishing of Fires, and the Protection of Life and Property against Fire; and for other Purposes.

xxxix. An Act to enable the *Dublin and Meath* Railway Company to raise additional Capital; and for other Purposes.

xl. An Act to authorize a Deviation of Part of the authorized Line of the *Frosterly and Stanhope* Railway, to construct a new Branch and other Works, to abandon Portions of authorized Line and Approach to *Stanhope*, to raise additional Capital, amend and repeal Acts; and for other Purposes.

xli. An Act for the further Improvement of the Borough of *Halifax*, and for other Purposes.

xlii. An Act for authorizing the *London and South-Western* Railway Company to make and maintain additional Works, and for authorizing the Transfer to them of the *Wimbledon and Dorking* Railway, and for making Arrangements respecting their Capital; and for other Purposes.

xliii. An Act to enable the *Dundee* Water Company to raise further Money, and to execute additional Works.

xliv. An Act for authorizing the Company of Proprietors of the *Kent* Waterworks to raise further Monies; and for regulating their Capital and Borrowing Powers.

xlv. An Act to enable the *Carlisle and Silloth Bay* Railway and Dock Company to raise additional Capital, by Preference Shares and otherwise, and for other Purposes.

xlvi. An Act to authorize the Construction of a Railway in the County of *Middlesex*, from the *Great Northern* Railway, through *Highgate*, *Finchley*, and *Hendon* to *Edgware*.

xlvii. An Act to authorize a Lease of the Undertaking of the *Carlisle and Silloth Bay* Railway and Dock Company to the *North British* Railway Company; and for other Purposes.

xlviii. An Act to authorize a Lease of the Undertaking of the *Port Carlisle* Dock and Railway Company to the *North British* Railway Company; and for other Purposes.

xlix. An Act to authorize the *North British* Railway Company to make certain Railways from their Main Line in the Parish of *Inveresk* to the Farm Steading of *Smeaton*, and thence to near *Macmerry* and to their *Hawick* Line at *Hardengreen*; and for other Purposes.

l. An Act for incorporating the Members of the Institution known as "The Asylum for the Education of the Deaf and "Dumb

"Dumb Children of the Poor," and for enabling them the better to carry on their charitable Designs.

li. An Act for making a Railway from the *Peebles* Railway at the *Leadburn* Station to the Parish of *Linton* in the County of *Peebles*.

lii. An Act for a further Supply of Water to the Town and Neighbourhood of *Leeds* from the River *Wharfe*, and for other Purposes.

liii. An Act to consolidate and amend the Acts relating to the Maintenance and Repair of the Roads, Streets, and Bridges within the District of the City of *Edinburgh*, and the Assessments payable in respect thereof; and for other Purposes.

liv. An Act for authorizing the *Stockton and Darlington* Railway Company to make and maintain new Lines of Railway and other Works in the County of *Durham*; and for other Purposes.

lv. An Act to authorize the making of a Railway from *Daventry* in the County of *Northampton*, to the *London and North-western* Railway near *Weedon*, in the same County, and for other Purposes.

lvi. An Act to confer upon the *Tewkesbury and Malvern* Railway Company further Powers for the Completion of their Railway; and for other Purposes.

lvii. An Act to authorize the Relinquishment of the Street and Railway authorized by "The *London* Railway Depôt and Storehouses Act, 1860," and for other Purposes.

lviii. An Act to authorize the *Metropolitan* Railway Company to acquire certain additional Lands and execute further Works for the Purposes of their Undertaking; to confer further Powers upon the Company with reference to the raising of Capital; to authorize further Agreements with other Companies; and for other Purposes.

lix. An Act to repeal the Act relating to the *New Chappel, Lindfield, and Brighton*, and *Ditcheling and Clayton* Roads, and to make other Provisions in lieu thereof.

lx. An Act to enable the *Denbigh, Ruthin, and Corwen* Railway Company to create Preference Capital.

lxi. An Act for the making and maintaining of a Bridge over the River *Wyre* (to be called "*Shard Bridge*"), with Roads thereto, and for other Purposes.

lxii. An Act for granting further Powers to the *Great North of Scotland* Railway Company.

lxiii. An Act to amend the *Bradford, Wakefield, and Leeds* Railway Act, 1860, and to make further Provision as to Purchase of Land and Completion of Works on *Ossett* Branch.

lxiv. An Act to enable the *Scottish North-eastern* Railway Company

Company to raise additional Capital, to make a Deviation in their Railway, and execute other Works, and Purchase additional Lands; to amend the Acts relating to the Company; and for other Purposes.

lxv. An Act for repairing and maintaining the Road from the Borough of *Bolton* to the Borough of *Blackburn*, and a Branch Road connected therewith, in the County Palatine of *Lancaster*.

lxvi. An Act to authorize the Lease of the *Cromford and High Peak* Railway to the *London and North-western* Railway Company, and to make certain Arrangements with reference to the Capital of the *Cromford and High Peak* Railway Company; and for other Purposes.

lxvii. An Act for the Incorporation of a Company for making a Railway from *Kington* to *Eardisley*, with a Branch therefrom; and for vesting in such Company a Tramroad called "the *Kington* Railway," and enabling them to appropriate Portions of such Tramroad for the Purposes of their Undertaking; and for other Purposes.

lxviii. An Act to enable the *London, Brighton, and South Coast* Railway Company to enlarge their Stations at *London Bridge* and the *Bricklayers Arms*, and to alter certain Roads, Streets, and Bridges; and for other Purposes.

lxix. An Act for making a Railway from the *Cornwall* Railway near *Lostwithiel* to *Fowey* in the County of *Cornwall*, and for other Purposes.

lxx. An Act for vesting the disused Burial Ground of the Parish of *Saint Giles in the Fields*, and other Lands connected therewith, in the Rector as Glebe, and providing for the Maintenance of the disused Burial Ground; and for other Purposes.

lxxi. An Act to Authorize the Construction of a Railway from *Weymouth* to the *Isle of Portland*, and to extend the *Wilts, Somerset, and Weymouth* Railway to the Harbour.

lxxii. An Act for supplying with Gas the Township of *Stretford* and adjacent Places in the County of *Lancaster*, and the Township of *Sale* and adjacent Places in the County of *Chester*; and for other Purposes.

lxxiii. An Act for supplying with Gas the Townships of *Undermillbeck, Applethwaite*, and *Troutbeck*, in the Parish of *Windermere* in the County of *Westmoreland*.

lxxiv. An Act to enable the *Great Britain* Mutual Life Assurance Society to sue and be sued; and to confer further Powers on the Society.

lxxv. An Act to confer further Powers on the *Newry* and *Armagh* Railway Company.

lxxvi. An

lxxvi. An Act for incorporating the *Tyne General* Ferry Company, and for authorizing them to establish, make, and maintain Ferries on, along, and across the River *Tyne*, and Landing Places and other Works; and for other Purposes.

lxxvii. An Act for erecting a Bridge across the River *Hull* or *Old Harbour*, with Approaches and other Works connected therewith, all in the Town and County of the Town of *Kingston-upon-Hull*.

lxxviii. An Act to authorize the *London, Brighton, and South Coast* Railway Company to make certain new Lines of Railway in the Counties of *Surrey* and *Sussex;* and for other Purposes.

lxxix. An Act for making a Railway from the *Scottish North-eastern* Railway near *Limpet Mill*, to the *Great North of Scotland* Railway at *Kintore*, with Branches to the *Deeside* Railway at *Peterculter;* and for other Purposes.

lxxx. An Act to enable the *Maryport and Carlisle* Railway Company to construct Branch Railways to *Bolton* and *Wigton*, to improve their Station Accommodation at *Wigton*, to purchase additional Lands at *Wigton* and *Aikbank*, to raise further Monies; and for other Purposes.

lxxxi. An Act for enabling the *Midland* Railway Company to construct new Railways and Works, and to acquire additional Lands in the Counties of *Derby*, *Leicester*, *Warwick*, *Bedford*, *Worcester*, *Gloucester*, and *Middlesex;* and for other Purposes.

lxxxii. An Act for making and maintaining a Harbour, Piers, and other Works at *Ventnor* in the *Isle of Wight*, and for other Purposes.

lxxxiii. An Act for incorporating a Company, under the Title of "The *Caterham* Spring Water Company," for better supplying with Water the Inhabitants of *Caterham* and the Neighbourhood thereof.

lxxxiv. An Act for the Amalgamation of the *Reading Union* Gas Company and the *Reading* Gaslight Company; and for incorporating the *Reading* Gas Company; and for making further Provision for the supplying of the Borough of *Reading* and the Neighbourhood thereof with Gas; and for other Purposes.

lxxxv. An Act to enable the *North-eastern* Railway Company to construct Branch Railways from *Market Weighton* to *Beverley* and at *Hull*, to raise additional Capital; and for other Purposes.

lxxxvi. An Act for making a Railway from the *Great Northern* Railway at *Hatfield* to the *London and North-western* Railway at *Saint Albans;* and for other Purposes.

lxxxvii. An

lxxxvii. An Act for granting further Powers to the *Alford Valley* Railway Company.

lxxxviii. An Act to enable the *Deeside* Railway Company to raise additional Capital for their original Railway; to maintain certain Portions of their Extension Railway constructed beyond the authorized Limits; and for other Purposes.

lxxxix. An Act to enable the *Furness* Railway Company to make a branch Railway to *Hawcoat Quarry;* to vest in the said Company the Undertaking of the *Ulverstone* Canal Navigation; and to enable them to raise additional Capital; and for other Purposes.

xc. An Act for making a Railway in the West Riding of the County of *York,* to be called "The *Keighley and Worth Valley* Railway;" and for other purposes.

xci. An Act for the Construction by the *Midland* Railway Company of new Railways in connexion with their *Rowsley and Buxton* Line, and for the Abandonment of Part of the authorized *Manchester, Sheffield, and Lincolnshire* Railway; for authorizing the Use by the *Manchester, Sheffield, and Lincolnshire* Railway Company of Parts of the intended Railways; and for other Purposes.

xcii. An Act to authorize the *Leeds, Bradford, and Halifax Junction* Railway Company to deviate and extend the authorized Line of their *Batley* Branch Railway in the West Riding of the County of *York;* and for other Purposes.

xciii. An Act to enable the *Vale of Clwyd* Railway Company to extend their Railway to the North-west Shore of the River *Clwyd* at *Foryd;* to divert a Portion of the Line of their present Railway; and for other Purposes.

xciv. An Act to authorize the Construction of Railways within the Town of *Burton-upon-Trent,* and for other purposes.

xcv. An Act to enable the *Hereford, Hay, and Brecon* Railway Company to make and maintain Deviations in the Line and Levels of their Railway; and for other Purposes.

xcvi. An Act to enable the *South-eastern* Railway Company to make Railways to *Tunbridge* and *Dartford* respectively, and to widen a Portion of their *North Kent* Line of Railway, and to purchase additional Lands for the Purposes of their Undertaking; aud for other Purposes.

xcvii. An Act to enable the *Lancashire and Yorkshire* Railway Company to construct a Branch Railway to *Shawforth* and other Works; to purchase additional Lands; and for other Purposes.

xcviii. An Act for vesting the *Oldham, Ashton-under-Lyne and Guide Bridge Junction* Railway in the *Manchester, Sheffield,*

Sheffield, and Lincolnshire, and the *London and North-western* Railway Companies; and for other Purposes.

xcix. An Act to make better Provision for supplying with Water the Town and Township of *Wakefield,* and the Townships of *Alverthorpe-with-Thornes, Stanley-cum-Wrenthorpe,* and *Sandal Magna,* and for other Purposes.

c. An Act for making a Railway from *Kingston-upon-Hull* to *Hornsea.*

ci. An Act for dissolving the *Ceylon* Railway Company, and for other Purposes connected therewith.

cii. An Act for authorizing "The *North British* Insurance Company" to increase their Capital Stock; and for other Purposes.

ciii. An Act to continue the *Ashborne and Belper* Turnpike Trust in the County of *Derby;* and for other Purposes.

civ. An Act to define the Powers of the *London and North-western and Chester and Holyhead* Railway Companies for raising Money; and for other Purposes.

cv. An Act for the *Red House* and *Weeland* Roads in the West Riding of the County of *York.*

cvi. An Act for the Amalgamation of the *South Durham and Lancashire Union* and *Eden Valley* Railway Companies with the *Stockton and Darlington* Railway Company; for the Transfer to the last-named Company of the *Frosterly and Stanhope* Railway; and for other Purposes.

cvii. An Act to empower the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* to construct additional Reservoirs and other Works; to alter the Charges for the Supply of Water within the Limits of their District, and to make other Rates and Charges in respect of such Supply; and for other Purposes.

cviii. An Act to provide for the leasing of the *Banbridge, Lisburn, and Belfast* Railway to the *Ulster* Railway Company.

cix. An Act to authorize the Construction of a Railway from *Bala* to *Dolgelly* in the County of *Merioneth;* and for other Purposes.

cx. An Act for making a Railway from *Corwen* to *Bala,* and for other Purposes.

cxi. An Act for incorporating a Company for making a Railway in the Counties of *Devon* and *Cornwall,* to be called "The *Launceston and South Devon* Railway;" and for other Purposes.

cxii. An Act to enable the *Manchester, Sheffield, and Lincolnshire* Railway Company to make a new Railway in the County of *Chester,* to be called "The *Manchester, Sheffield, and Lincolnshire*

colnshire (*Godley* and *Woodley* Branch) Railway;" and for other Purposes.

cxiii. An Act to authorize the Consolidation into One Undertaking of the *Inverness and Ross-shire* and *Inverness and Aberdeen Junction* Railways, and the Union into One Company of the Two Companies to which the said Railways respectively belong.

cxiv. An Act to authorize the *Enniskillen and Bundoran* Railway Company to extend their Railway to the *Midland Great Western* Railway of *Ireland* at *Sligo;* to change the Name of the Company; and for other Purposes.

cxv. An Act to enable the *Llynvi Valley* Railway Company to increase their Capital; and for other Purposes.

cxvi. An Act for the making and maintaining of a Bridge over the River *Trent* near to the Town of *Nottingham* (to be called "*Wilford Bridge*"), with Roads thereto, and for the discontinuing of *Wilford Ferry* across the River, and for other Purposes.

cxvii. An Act to repeal an Act passed in the First Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for amending and maintaining the Turnpike Road from and out of the Road leading from* Quebec *in* Leeds *to* Homefield Lane End *in* Wortley, *to communicate with the Road leading from* Huddersfield *to* Birstal, *at the* "Coach and Horses" *Public House in* Birstal *in the West Riding of the County of* York, and granting more effectual Powers in lieu thereof.

cxviii. An Act to enable the *Eden Valley* Railway Company to construct certain Extension and Branch Railways; to use Portions of other Railways; to raise additional Capital; and for other Purposes.

cxix. An Act for the *Rotherham* and *Wortley* Turnpike Road in the West Riding of the County of *York.*

cxx. An Act for dissolving the *Hull and Holderness* Railway Company, and vesting its Undertaking in and uniting its Shareholders with those of the *North-eastern* Railway Company; and for other Purposes.

cxxi. An Act for making a Railway from *Johnstone* to *Bridge of Weir* in the County of *Renfrew,* with Branches, and for other Purposes.

cxxii. An Act to dissolve the present Body of the *Wexford* Harbour Commissioners, and to appoint new Commissioners, and for other Purposes.

cxxiii. An Act for conferring further Powers for the good Government of the Borough of *Cardiff;* and for other Purposes.

 cxxiv. An

cxxiv. An Act to authorize the Abandonment of a Portion of the *Garston and Liverpool* Railway; and for other Purposes.

cxxv. An Act for better supplying with Water the Gaol and House of Correction at *Maidstone* in and for the County of *Kent*, and the Lunatic Asylum at *Barming Heath* in and for the said County; and for other Purposes.

cxxvi. An Act to amend the Acts now in force for the Protection of Property in the Borough of *Liverpool* from Fire.

cxxvii. An Act for enabling the *Great-western* Railway Company to construct Railways, and to acquire additional Lands in the Counties of *Stafford* and *Warwick;* and for other Purposes.

cxxviii. An Act for incorporating a Company for making a Railway in the County of *Devon*, to be called "The *Moretonhampstead and South Devon* Railway;" and for other Purposes.

cxxix. An Act to authorize the *South Yorkshire* Railway and River *Dun* Company, and the *Manchester, Sheffield, and Lincolnshire* Railway Company to contribute Funds towards and to acquire the Undertaking of the *Trent, Alcholme, and Grimsby* Railway Company.

cxxx. An Act to amend "The *Wem and Bronygarth* Roads Act, 1860," and to confer further Powers in relation to the said Roads.

cxxxi. An Act to enable the *United Kingdom* Electric Telegraph Company (Limited) to carry on the Works and Business of an Electric Telegraph Company.

cxxxii. An Act for extending the Period limited for the Completion of a Portion of the Railway of the *Dartmouth and Torbay* Railway Company, and for authorizing them to raise a further Sum of Money; and for other Purposes.

cxxxiii. An Act to authorize the Amalgamation of the *Coniston* Railway Company with the *Furness* Railway Company, and for other Purposes.

cxxxiv. An Act to repeal the Act "for repealing Two Acts for "repairing the Road from *Little Sheffield* in the County of "*York* to *Sparrow Pit* Gate in the County of *Derby*, and "also an Act for making a Road from *Banner Cross* in the "West Riding of the County of *York* to *Fox House* in the "County of *Derby*, and for consolidating the Trusts of certain "Roads mentioned in the said Acts, and for amending and "making certain other Roads to communicate therewith, and "for other Purposes;" and to make other Provisions in lieu "thereof.

cxxxv. An Act to amalgamate the *Caledonian and Dumbartonshire Junction* Railway Company with the *Edinburgh and Glasgow* Railway Company.

cxxxvi. An

cxxxvi. An Act to enable the *Caledonian* Railway Company to make certain Deviations of their authorized Lines of Railway called the "*Cleland* Branch Extension" and the "*Omoa* Branch," in the County of *Lanark;* and for other Purposes.

cxxxvii. An Act to enable the *Caledonian* Railway Company to make a Branch Railway from their *Granton* Branch to *Leith,* with a connecting Branch therefrom; and for other Purposes.

cxxxviii. An Act to amalgamate the *Glasgow, Dumbarton, and Helensburgh* Railway Company with the *Edinburgh and Glasgow* Railway Company.

cxxxix. An Act for changing the Name of the *Dundalk and Enniskillen* Railway Company to the Name "The *Irish North-western* Railway Company;" and for authorizing them to make and maintain an additional Line of Railway and other Works; and to make Arrangements with other Companies and Public Bodies; and to raise further Monies; and for other Purposes.

cxl. An Act to incorporate the Participants of the Level of *Hatfield Chase;* to authorize the Construction of additional Works of Drainage in the said Level; and to subject certain Lands therein to Taxation.

cxli. An Act to enable the *South Yorkshire* Railway and River *Dun* Company to make Railways near *Sheffield* and *Thorne,* and to exercise other Powers.

cxlii. An Act for making a Railway from the *Hawick* Branch of the *North British* Railway near *Newtown Saint Boswells* to *Dunse.*

cxliii. An Act for making a Railway from *Bishops Waltham* to *Botley.*

cxliv. An Act for effecting Railway communication from the *Metropolitan* Extension of the *London, Chatham, and Dover* Railway to the *Crystal Palace* at *Sydenham.*

cxlv. An Act for the Amalgamation of the Undertaking of the *Newcastle-upon-Tyne and Carlisle* Railway Company with the Undertaking of the *North-eastern* Railway Company; and for other Purposes.

cxlvi. An Act to enable the *North-eastern* Railway Company to construct a Branch Railway between *Blaydon* and *Conside,* with Branches therefrom; to acquire additional Lands, and for other Purposes.

cxlvii. An Act for more effectually repairing certain Roads called "The *Tupton and Ashover* Road," and "The *Birkin Lane* Road," in the County of *Derby.*

cxlviii. An Act to authorize the Construction of a Railway from

from *Hooton* to *Parkgate*, in connexion with the existing *Birkenhead* Railway, and for other Purposes.

cxlix. An Act to enable the *Bristol and South Wales Union* Railway Company to construct a Branch Railway to communicate with a Pier and other Works at the Mouth of the River *Avon*; and to authorize certain Arrangements with the Mayor, Aldermen, and Burgesses of the City and County of *Bristol* with reference thereto.

cl. An Act to repeal an Act of the First Year of the Reign of King *William* the Fourth, "for consolidating the Trusts of "the several Turnpike Roads in the Neighbourhood of "*Cheadle*, in the County of *Stafford*, and for making Devia- "tions and new Branches to and from the same;" and to make other Provisions in lieu thereof.

cli. An Act for making a Railway from *Horsham* to *Dorking*, and for other Purposes.

clii. An Act for making Railways from the *London and South-western* Railway to *Hampton* and *Shepperton* in the County of *Middlesex*.

cliii. An Act to authorize the *Mid Kent* Railway Company to make a Railway from the *Mid Kent* Railway to *Addiscombe*; and for other Purposes.

cliv. An Act to enable the *North-eastern* Railway Company to construct the *Team Valley* and other Branch Railways in the County of *Durham*; and for other Purposes.

clv. An Act for providing and constructing an improved Cattle Market, Market Places, and Slaughterhouses, with all necessary Approaches and Conveniences, within the Parish of *Saint Thomas* in the County of the City of *Dublin*.

clvi. An Act to enable the *Mid Wales* Railway Company to alter the Line and Levels of their Railway, and to make a Junction between the *Mid Wales* and the *Central Wales* (*Extension*) Railways; and to amend the Acts relating to the said Company; and for other Purposes.

clvii. An Act to alter the Constitution of the Parochial Board of the *Barony* Parish of *Glasgow* in the County of *Lanark*.

clviii. An Act for making a Railway from the *Sutton* Station of the *Croydon and Epsom* Branch of the *London, Brighton, and South Coast* Railway to *Banstead* and *Epsom Downs* in the County of *Surrey*.

clix. An Act for making a Railway from the Port of *Bristol* to the Old Channel at the Mouth of the River *Avon*, together with a Pier in the said River, and for other Purposes.

clx. An Act for making a Railway from the *Glasgow, Paisley, and Greenock* Railway to *Wemyss Bay* in the County of *Renfrew*

Renfrew, and a Pier and Roads in connexion therewith; and for other Purposes.

clxi. An Act for authorizing the *Llanelly* Railway and Dock Company to make and maintain new Lines of Railway by way of Deviation of their authorized *Swansea* Lines and *Carmarthen* Line and other Works, and to make arrangements with other Companies, and to raise further Capital, and to make Provision for laying down Narrow Gauge Rails on the *Carmarthen and Cardigan* Railway; and for other Purposes.

clxii. An Act for authorizing the *Llanidloes and Newtown* Railway Company to make and maintain a Line of Railway for the joint Use of the *Mid Wales* Railway Company and the *Manchester and Milford* Railway Company, and a Station at *Llanidloes* for the joint Use of the Three Companies, and to raise further Monies; and for other Purposes.

clxiii. An Act to authorize the Extension of the *London, Chatham, and Dover* Railway to *Walmer* and *Deal*, and for other Purposes.

clxiv. An Act to amend the Acts relating to the *Nene Valley* Drainage and Navigation Improvement; and to make Provision for the Discharge of the Debts and Liabilities of the Commissioners in the Third District of Drainage, and for the Separation of the Districts; and for other Purposes.

clxv. An Act for making a Railway from the *North Devon* Railway in the Parish of *Colebrook* in the County of *Devon* to *Okehampton* in the same County; and for other Purposes.

clxvi. An Act for authorizing the Construction of Railways from the *Sevenoaks* Railway to *Maidstone* and *Tunbridge*, and to join existing Railways at *Tunbridge*, all in *Kent*; and for other Purposes.

clxvii. An Act to enable the *Swansea* Harbour Trustees to raise a further Sum of Money for the Purposes of their Undertaking; and to authorize a Lease or Leases of the *Swansea* Harbour Railway and certain Wharves in *Swansea* Harbour to the *Vale of Neath* Railway Company; and to authorize the laying down of additional Rails for the Narrow Gauge on that Railway.

clxviii. An Act to authorize the *West Midland* Railway Company to construct additional Works, and to raise further Sums of Money; to provide Facilities for the Passage of their Traffic to *Newport* in the County of *Monmouth*; to regulate their Powers of raising Money in respect of certain other Undertakings; and for other Purposes.

clxix. An Act for constructing and maintaining a Pier at *Weston-super-Mare* in the County of *Somerset*.

clxx. An

clxx. An Act to facilitate Arrangements by the *Londonderry and Coleraine* Railway Company with their Creditors; and for other Purposes.

clxxi. An Act for making Railways from *Rickmansworth* in the County of *Hertford* to *Amersham* and *Chesham* in the County of *Buckingham;* and for other Purposes.

clxxii. An Act to enable the *Carmarthen* and *Cardigan* Railway Company to extend their Railway from *Llangeller* to *Newcastle-Emlyn*, and to raise further Monies.

clxxiii. An Act for making a Railway from *Kettering* to *Thrapstone* in the County of *Northampton;* and for other Purposes.

clxxiv. An Act to improve the Western Approach to the Metropolitan Meat and Poultry Market, and to authorize the raising of additional Money.

clxxv. An Act for making a Railway from *Stafford* in the County of *Stafford* to *Uttoxeter* in the same County; and for other Purposes.

clxxvi. An Act for authorizing the *Aberystwith and Welsh Coast* Railway Company to make and maintain additional Lines of Railway, and to reclaim Lands near to their Lines of Railway, and to raise further Monies; and for other Purposes.

clxxvii. An Act for conferring further Powers upon the *Andover and Redbridge* Railway Company.

clxxviii. An Act for authorizing Agreements between the *Briton Ferry* Dock and Railway Company and other Companies, and a Lease of Part of their Wharfs and for altering Rates payable to the *Neath* Harbour Commissioners; and for authorizing the *Briton Ferry* Dock and Railway Company to raise further Capital; and for other Purposes.

clxxix. An Act for making Railways from *Cowbridge* in the County of *Glamorgan* to join the *Llantrissant* and *Taff Vale Junction* Railway and the *South Wales* Railway; and for other Purposes.

clxxx. An Act to authorize the *British* Fisheries Society to construct Piers or Breakwaters, and other Works in connexion with *Pulteney* Harbour, and to amend the Act relating thereto.

clxxxi. An Act to amalgamate the *Fife and Kinross* Railway Company with the *Edinburgh, Perth, and Dundee* Railway Company.

clxxxii. An Act for authorizing the *Vale of Neath* Railway Company to lay down Rails for the Narrow Gauge as well as the Broad Gauge on the *Vale of Neath* Railway, and to raise further Monies; and for other Purposes.

clxxxiii. An Act to authorize an Alteration of the Terms of the Lease

Lease of the *Severn Valley* Railway to the *West Midland* Railway Company; and for other Purposes.

clxxxiv. An Act to enable the *Brecon and Merthyr Tydfil Junction* Railway Company to make new Railways, and for other Purposes.

clxxxv. An Act for making a Railway in the County of *Salop*, to be called "The *West Shropshire Mineral* Railway;" and for other Purposes.

clxxxvi. An Act for incorporating "The *Brecon Markets* Company," and for vesting in them, and authorizing them to maintain and regulate, the Markets and Fairs in *Brecon* and other Property of the Mayor, Aldermen, and Burgesses of the Borough of *Brecon;* and for providing for the Discharge of Liabilities of the Mayor, Aldermen, and Burgesses; and for other Purposes.

clxxxvii. An Act to confer Powers upon the *Eastern Counties* Railway Company with respect to the *Epping* Railways; and for other Purposes.

clxxxviii. An Act to separate the *Middle Level* from the *Bedford Level* Corporation; to transfer the Powers and Duties of the *Nene* Navigation Commissioners to the *Middle Level* Commissioners, and to provide for Payment of the Debt secured on the Navigation Tolls; to repeal the Barrier Banks Acts; to amend the *Middle Level* Acts, and to incorporate the *Middle Level* Commissioners; to amend and enlarge the Powers of Commissioners acting under District Acts in the *Middle Level;* and for other Purposes.

clxxxix. An Act for amalgamating the *North British* Railway and the *Edinburgh, Perth, and Dundee* Railway and the *West of Fife* Railway and Harbour Companies, and for other Purposes.

cxc. An Act for authorizing the *West Cheshire* Railway Company to make and maintain additional Lines of Railway and other Works, and to raise further Monies; and for other Purposes.

cxci. An Act for authorizing the *Waterford and Limerick* Railway Company to divert their Tramway in the City of *Limerick*, and to work or lease the Undertaking of the *Limerick and Ennis* Railway Company.

cxcii. An Act to authorize the *London, Chatham, and Dover* Railway Company to construct additional Works and acquire additional Land in *Kent* and *Surrey;* and for the other Purposes connected with their Undertakings.

cxciii. An Act to authorize the Construction of a Railway in the Counties of *Glamorgan* and *Brecon*, to be called "The *Dulas Valley Mineral* Railway," and for other Purposes.

cxciv. An

cxciv. An Act for making a Railway to connect the *South Staffordshire* Railway with the *Cannock Chase* Railway in the County of *Stafford*, and for other Purposes.

cxcv. An Act to enable the *Eastern Union* Railway Company to make certain Arrangements concerning their Capital, and to subscribe to the *Waveney Valley* Railway.

cxcvi. An Act for transferring the *Hereford, Ross, and Gloucester* Railway and for leasing the *Ely Valley* Railway to the *Great Western* Railway Company, and for other Purposes.

cxcvii. An Act to empower the *Kent Coast* Railway Company to construct Railways or Tramways at *Ramsgate*, and to raise further Money; and for other Purposes.

cxcviii. An Act to enable the *Shrewsbury and Hereford* Railway Company to lease their Undertaking, to acquire additional Lands; and for other Purposes.

cxcix. An Act for making a Railway, to be called "The *Spalding and Bourn* Railway," and for other Purposes.

cc. An Act for making a Railway, to be called "The *Tottenham and Hampstead Junction* Railway," and for other Purposes.

cci. An Act to enable the *Great Northern and Western (of Ireland)* Railway Company to make a Railway to *Ballina;* and for other Purposes.

ccii. An Act for making a Railway from *Carnarvon* to *Port Madoc* in the County of *Carnarvon*.

cciii. An Act for paving, cleansing, lighting, watching, draining, and improving the City of *Aberdeen* and adjacent Districts, for regulating the Police thereof, for supplying the Inhabitants with Water, and for other Purposes.

cciv. An Act to consolidate and amend the Acts relating to the Police and Statute Labour of the City of *Glasgow*, and for other Purposes.

ccv. An Act for consolidating and amending the Acts relating to the Corporation of *Salford;* for extending their Powers; and for other Purposes.

ccvi. An Act for incorporating a Company; and for making and maintaining the *East Gloucestershire* Railway; and for other Purposes.

ccvii. An Act for making a Railway, to be called "The *East Grinstead, Groombridge, and Tunbridge Wells* Railway," and for other Purposes.

ccviii. An Act for conferring additional Powers on the *London and North-western* Railway Company in relation to their own Undertaking and the Undertakings of other Companies; and for authorizing a Deviation in the Line of the *South Leicestershire* Railway; and for other Purposes.

ccix. An

ccix. An Act to enable the *Merthyr, Tredegar, and Abergavenny* Railway Company to lease their Railway.

ccx. An Act for enabling the *Mid-Sussex and Midhurst Junction* Railway Company to extend the Time for completing their Railway; to sell or lease their Undertaking to the *London, Brighton, and South Coast* Railway Company; and for other Purposes.

ccxi. An Act to authorize the Construction of a Railway from the *Bradford, Wakefield, and Leeds* Railway at *Wakefield* to the *South Yorkshire* Railway at *Barnby-upon-Don*, and of certain Branch Railways, to be called "The *West Riding and Grimsby* Railway."

ccxii. An Act for incorporating the *Dovey* Reclamation Company; and for authorizing them to reclaim Land in the Estuary of the River *Dovey;* and for authorizing Arrangements between them and the *Aberystwith and Welsh Coast* Railway Company; and for other Purposes.

ccxiii. An Act for extending the Time for the Purchase of Lands and the Completion of the Works authorized by "The *Dagenham* (*Thames*) Dock Act, 1855," and for other Purposes.

ccxiv. An Act for authorizing the *Redditch* Railway Company to raise further Monies; and for other Purposes.

ccxv. An Act to extend the Time for making the Railway of the *Kensington* Station and *North and South London Junction* Railway Company; and for other Purposes.

ccxvi. An Act for authorizing the *Abingdon* Railway Company to raise further Monies; and for other Purposes.

ccxvii. An Act for making a Railway from the *Waterford and Tramore* Railway near the City of *Waterford* to the Town of *Passage* in the County of *Waterford.*

ccxviii. An Act for authorizing an Extension of the *Oswestry, Ellesmere, and Whitchurch* Railway, and for other Purposes.

ccxix. An Act to authorize the Construction of a Railway in the County of *Down* from the *Downpatrick and Newry* Railway to *Newcastle.*

ccxx. An Act for amending "The *Charing Cross* Railway (City Terminus) Act, 1861."

ccxxi. An Act for incorporating a Company for making and maintaining the *Wrexham, Mold, and Connah's Quay Junction* Railway; and for other Purposes.

ccxxii. An Act to protect the Waters of the *Mersey* and the *Irwell* and of certain of their tributaries from certain Obstructions.

ccxxiii. An Act to amalgamate the *Eastern Counties,* the *East Anglian,* the *Newmarket,* the *Eastern Union,* and the *Norfolk* Railway Companies; and for other Purposes.

 ccxxiv. An

ccxxiv. An Act for a Lease of the Undertaking of the *Mid Kent* Railway (*Bromley* to *Saint Mary's Cray*) Company to the *London, Chatham, and Dover* Railway Company, and for other Purposes.

ccxxv. An Act for the Amalgamation of the *Somerset Central* Railway Company and the *Dorset Central* Railway Company, and for other Purposes.

ccxxvi. An Act to authorise the Construction of a Railway in *Shropshire*, to be called "The *Wellington and Drayton* Railway."

ccxxvii. An Act for making a Railway and Harbour in the County of *Devon*, to be called the *Sidmouth* Railway and Harbour, and for other Purposes.

PRIVATE ACTS

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act to confirm certain Contracts for granting Leases made and entered into by *Charles Phillimore* Esquire of Part of the Lands and Hereditaments devised by the Will of *William Robert Phillimore* Esquire, deceased, situate in the Parish of *Saint Mary Abbotts, Kensington*, in the County of *Middlesex*, and to confirm certain Leases granted in pursuance of the said Contracts, and for other Purposes relating to the said Will.
2. An Act for incorporating the Trustees under the Will of Captain *William Mackintosh*, for defining and explaining the said Will, and for carrying into effect the Purposes thereof.
3. An Act to extend the Powers given to the Trustees of the Will of *William Tufnell* Esquire by an Act of Parliament passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for enabling the Trustee under the Will of the late* William Tufnell *Esquire to reduce the Fines for the Copyholds held of the Manor of* Barnersbury, *devised by his Will as an Encouragement to the Tenants to build thereon, to grant Building and Repairing Leases of the devised Estates; and for other Purposes.*
4. An Act to enable the Mayor and Commonalty and Citizens of the City of *London*, Governors of the Possessions, Revenues,

ues, and Goods of the Hospital of *Edward*, late King of *England* the Sixth, of *Saint Thomas the Apostle*, commonly called "*Saint Thomas's Hospital*," to convey the Site of the present Hospital to the *Charing Cross* Railway Company, and to acquire a new Site for the same Hospital; and for other Purposes.

5. An Act for amending the Powers of Leasing and other Powers created by divers Acts relating to the Estates annexed to the Earldom of *Shrewsbury*; and for other Purposes.
6. An Act to authorise the Trustees of the Will of *Athelstan Corbet* Esquire, deceased, to grant Building Leases and Mining Leases of the Estates thereby devised, and to raise Five thousand Pounds out of the same Estates, and apply such Sum in the Improvement of the Port of *Aberdovey* and Lands adjoining thereto; and for other Purposes.

PRIVATE ACTS,

NOT PRINTED.

7. An Act for inclosing the Commons or Waste Lands called "*Dollow* and *Kilmore* Commons" in the Parishes of *Dollow* and *Kilmore* in the County of *Tipperary*.
8. An Act to dissolve the Marriage of Colonel *Gore Boland Munbee* with *Sophia Catherine* his now Wife, and to enable him to marry again; and for other Purposes.

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TO

THE PUBLIC GENERAL ACTS,

25° & 26° VICTORIÆ,

Showing whether they relate to the whole or to any Part of the United Kingdom, viz.

E. *signifies that the Act relates to* England (and Wales, if the Subject extend so far).
S. ,, ,, ,, Scotland.
I. ,, ,, ,, Ireland.
E. & I. ,, ,, ,, England and Ireland.
G. B. ,, ,, ,, Great Britain.
G. B. & I. ,, ,, Great Britain and Ireland.
U. K. ,, ,, ,, The whole of the United Kingdom.

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PUBLIC GENERAL STATUTES

AFFECTING SCOTLAND.

1863.

PRINTED BY WILLIAM BLACKWOOD AND SONS, EDINBURGH.

A

COLLECTION

OF THE

PUBLIC GENERAL STATUTES

AFFECTING SCOTLAND,

PASSED IN THE

TWENTY-SIXTH AND TWENTY-SEVENTH YEARS

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA:

Being the FIFTH SESSION of the EIGHTEENTH PARLIAMENT of the United Kingdom of *Great Britain* and *Ireland.*

WITH

GENERAL INDEX,

AND TABLES OF ALL THE GENERAL, LOCAL, AND PRIVATE ACTS PASSED IN THE ABOVE SESSION.

Printed by Authority of
Her Majesty's sole and only Master Printers for Scotland,
BY WILLIAM BLACKWOOD AND SONS,
EDINBURGH.
1863.

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LONDON, 31*st March* 1848.

AND. RUTHERFURD.

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THE

PUBLIC GENERAL STATUTES

[AFFECTING SCOTLAND.]

ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

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CAP. II.

An Act to make Provision concerning Bills of Exchange and Promissory Notes payable in the Metropolis on the Day appointed for the Passage through the Metropolis of Her Royal Highness the Princess Alexandra *of* Denmark.—[*5th* March 1863.]

§ I. Provisions of 7 & 8 G. 4. c. 15, and 6 & 7 W. 4. c. 58, with respect to Bills of Exchange and Promissory Notes payable in the Metropolis on Fast Days, &c., to extend to Bills, &c., payable on the 7th March 1863.
§ II. Notarial Charges occasioned by this Act not chargeable on Persons paying Bills, &c.
§ III. Metropolis to be as defined by 18 & 19 Vict. c. 120.

CAP. III.

An Act to extend the Credit for Payment of a Portion of the Excise Duty on Malt.—[*27th* March 1863.]

WHEREAS the Time for Payment of the Duty of Excise on Malt made by Makers of Malt who have given Security in that Behalf is limited by Law to Six Weeks after the making up of the Account or Return of the Duty chargeable, and it is expedient to alter and extend the Time for Payment of a Portion of the said Duty as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Credit for Payment of a Portion of the Excise Duty on Malt extended under Conditions herein named.

I. It shall be lawful for any Maker of Malt who has or shall have given such Security as aforesaid, if he shall think fit, and upon giving such Notice as herein-after mentioned, to defer Payment of One Moiety of the Duty of Excise on all Malt made or to be made by him on or after the First Day of *January* and before the First Day of *April*, and of the whole of the Duty of Excise on all Malt made or to be made by him on or after the First Day of *April* and before the Sixteenth Day of *May* in this present Year, or in any subsequent Year, for the Period of Three Months next after the respective Times at which the same would become payable under the Law in force immediately before the passing of this Act: Provided that

that such Maker of Malt shall give Notice in Writing, signed by him, of his Intention so to defer such Payment to the proper Collector of Excise, on or before the First Day of *April* in this or any subsequent Year; and thereupon there shall be charged and paid, for the Use of Her Majesty, Her Heirs and Successors, Interest at the Rate of Three Pounds Five Shillings *per* Hundred Pounds *per Annum*, computed for the Period of Three Months on the respective Amounts of Duty the Payment whereof shall be so deferred as aforesaid.

Bonds and Securities given by Makers of Malt under former Acts to continue in force.

II. Every Bond or other Security which has or shall have been given or entered into by any Maker of Malt for securing the Payment of the Duty of Excise on Malt under any former Act, and now in force, shall remain and continue in force against the Principal and Sureties who shall have made or entered into the same, as a Security for Payment as well of the said Duty according to the Directions of any former Act now in force as of the said Duty and Interest according to the Terms and Conditions of this Act, as if the said Terms and Conditions had been inserted in and made Part of the Condition of such Bond or Security, unless the said Parties or some One of them shall, before the First Day of *April* next after the passing of this Act, give Notice to the Commissioners of Inland Revenue of his Desire to withdraw from such Bond or Security, in which Case the Maltster shall not be entitled to any Credit for Payment of the Duty of Excise on any Malt made by him until he shall have given fresh Security in that Behalf to the Satisfaction of the said Commissioners.

Nothing to prejudice immediate Proceedings for Duties considered in danger.

III. Provided always, That nothing herein contained shall be deemed to prejudice or affect the Right or Power of the said Commissioners, whenever they shall deem any of the said Duties to be in danger, to require immediate Payment thereof, and in default of Payment the same shall be recoverable forthwith as Duties of Excise due and in arrear.

CAP. IV.

An Act to extend for a further Period the Provisions of the Union Relief Aid Act of the last Session.—[27*th* March 1863.]

CAP. V.

An Act to amend the Law relating to the Royal Naval Coast Volunteers.—[27*th* March 1863.]

CAP. VI.

An Act to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-three.—[27*th* March 1863.]

CAP. VII.

An Act for altering the Duties on Tobacco, and permitting the Manufacture of Cavendish and Negrohead in Bond.—[27*th* March 1863.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

After passing of this Act the following Duties on manufactured Tobacco to be paid on Importation.

I. In lieu of the Duties of Customs now charged upon the several Kinds of Tobacco undermentioned, the following Duties shall be charged and paid thereon upon Importation into *Great Britain* and *Ireland* from and after the passing of this Act:

Tobacco, manufactured, *viz.*:			£	s.	d.
„	„	Segars - the lb.	0	5	0
„	„	Cavendish or Negrohead, the lb. - -	0	4	6
„	„	Snuff, containing more than 13 lbs. of Moisture in every 100 lbs. Weight thereof, the lb.	0	3	9
„	„	Snuff, not containing more than 13 lbs. of Moisture in every 100 lbs. Weight thereof, the lb.	0	4	6
„	Other manufactured Tobacco the lb.		0	4	0
„	unmanufactured, containing 10 lbs. or more of Moisture in every 100 lbs. Weight thereof - the lb. with 5 *per Cent.* thereon.		0	3	0
„	„	containing less than 10 lbs. of Moisture in every 100 lbs. Weight thereof - the lb.	0	3	6

Provided,

Provided, that no Tobacco packed and prized shall, on the Importation thereof, be examined as to the Quantity of Moisture contained therein, except by special Order of the Commissioners of Customs, and unmanufactured Tobacco shall as heretofore be, in the Entry thereof, distinguished as stemmed or unstemmed, as the Case may be.

And there shall be charged and paid on every Pound of Cavendish and Negrohead Tobacco manufactured in Bond, as hereinafter provided, on the Entry thereof for Home Consumption, the Duty of Customs of - - - - 0 4 0

As to Drawbacks on Exportation, &c.

Upon every Pound of Tobacco manufactured in *Great Britain* and *Ireland* upon which the Duties of Customs on Importation shall have been paid, on the same being by any licensed Manufacturer exported as Merchandise, or deposited in any Bonded Warehouse to be used as Ships Stores, and packed in whole and complete Cases, each containing not less than Eighty Pounds net Weight of such Tobacco, there shall be allowed on such Exportation or Deposit thereof a Drawback of Three Shillings and Threepence, in lieu of the Drawback now allowed by Law on the Exportation of Tobacco, subject to such Increase or Reduction in the Amount of such Drawback as may result from the Examination of such Tobacco or a Sample or Samples thereof under the following Rule; that is to say,

For every One hundred Pounds of Tobacco which shall be found to contain Thirteen Pounds of Moisture and Eighty-seven Pounds of dry Tobacco, the Drawback of Three Shillings and Threepence *per* Pound shall be allowed, and so in proportion for any other Quantity; and if on Examination the Proportion of Moisture contained therein shall be found to exceed Thirteen Pounds in every One hundred Pounds Weight thereof, a proportionate Reduction shall be made in the Drawback allowed in respect of every Pound of such Excess of Moisture; but if the Proportion of Moisture contained therein shall be found to be less than Thirteen Pounds in every One hundred Pounds Weight thereof, a proportionate Increase shall be made in the Drawback allowed in respect of every Pound below Thirteen Pounds in every One hundred Pounds Weight thereof:

And the Drawback allowed by this Act on the Exportation of Tobacco as Merchandise shall be ascertained and paid with all convenient Speed after the Shipment thereof, and the Drawback allowed on the Deposit of Tobacco in the Warehouse for Use as Ships Stores only shall be ascertained and paid with all convenient Speed after the Deposit thereof.

Provided

Provided always, that no Tobacco shall be exported from any Ports or Places which shall not have been approved for the Importation of Tobacco, and no Drawback shall be allowed upon any Tobacco, except Snuff, in which the inorganic Matter contained therein shall exceed the Proportion of Twenty-two Pounds in every One hundred Pounds Weight of such Tobacco, exclusive of Water; and if such Tobacco shall contain less than Twenty-two Pounds and more than Eighteen Pounds of such inorganic Matter in every One hundred Pounds Weight, exclusive of Water, a Deduction shall be made from the Drawback allowed of Three Shillings and Threepence in respect of every Pound of such Excess of inorganic Matter above Eighteen Pounds in the One hundred Pounds as aforesaid: Nor shall any Drawback be allowed upon any Tobacco in which the Sand contained therein shall exceed Two Pounds in every One hundred Pounds of such Tobacco, exclusive of Water: Nor shall any Drawback be allowed on the Exportation of any Cavendish or Negrohead Tobacco manufactured in Bond and delivered for Home Consumption: Nor shall any Drawback be allowed upon any Tobacco in which there shall be found more than Twenty-five Pounds of Tobacco Stalks in every One hundred Pounds Weight of such Tobacco, exclusive of Water; nor unless the Tobacco Stalks contained therein shall have been fairly cut in the same with Portions of the Lamina of the Leaf adhering thereto: Provided nevertheless, that the full Drawback of Three Shillings and Threepence *per* Pound shall be allowed upon Snuff on the Exportation thereof, if the Quantity of inorganic Matter contained therein does not exceed the Proportion of Eighteen Pounds in every One hundred Pounds Weight of such Snuff, exclusive of Water; but if it contain more than that Proportion of inorganic Matter a Deduction shall be made from the Drawback allowed of Three Shillings and Threepence in respect of every Pound of such Excess above the Proportion of Eighteen Pounds in the Hundred: And in assessing the Duty on any Package of Tobacco imported into *Great Britain* and *Ireland*, or in calculating the Drawback allowable on the Exportation or Deposit in the Warehouse of any Package of Tobacco from *Great Britain* and *Ireland*, no Duty shall be charged or a Drawback allowed in respect of any Fraction of a Pound: and it shall be lawful for the Officers of Customs for the Purposes of this Act to take Samples of any Tobacco imported into or entered for Exportation from *Great Britain* and *Ireland*, or deposited in the Warehouse to be used as Ships Stores: And in case any Dispute shall arise as to the Quantity of Moisture contained in any

any Tobacco imported into *Great Britain* and *Ireland*, or as to the Quantity of Water or inorganic Matter, including Sand, contained in any Tobacco upon which Drawback is claimed on Exportation, it shall be lawful for the Officers of Customs to submit any such Tobacco or Samples thereof to the Officers of Inland Revenue or Excise for Examination, and the Decision of such Officers of Inland Revenue or Excise as to the Quantity of Moisture or inorganic Matter contained therein shall be final, and the Amount of Duty or Drawback in respect thereof shall be determined accordingly.

Commissioners may appoint Warehouses for Manufacture of Tobacco in Bond.

II. The Commissioners of Customs shall or may by Order under their Hand from Time to Time direct in what Warehouses or in what Parts or Divisions of any Warehouses, now approved or appointed or hereafter to be approved or appointed, for the Security of Duties on Tobacco under this or any Act in force relating to the Customs, so long as such Appointment or Approval shall remain unrevoked, the Processes of manufacturing or converting unmanufactured Tobacco into Cavendish or Negrohead, and the weighing, making into Parcels, wrapping up, and labelling of Cavendish or Negrohead, whether of *British* or Foreign Manufacture, may respectively be carried on, and how and in what Manner such Warehouses, or Parts or Divisions thereof, shall be secured by Locks, Fastenings, or otherwise, and shall and may require such Security by Bond or otherwise as they shall deem necessary from the Importer or Manufacturer of any Tobacco which shall be deposited therein for Security of the Duty due on such Tobacco or other Materials or Ingredients, or brought therein or thereto for the Purpose of being manufactured or used in the Manufacture thereof, or for the Purpose of being packed, wrapped, or labelled as aforesaid, or for the due and safe Removal of such Tobacco or other Materials or Ingredients from One Warehouse to another, or from One Part or Division of any Warehouse to any other Part or Division of the same or any other Warehouse, and for the due Observance of the Terms, Conditions, and Requirements of this Act, and of the Rules and Regulations of the Commissioners in respect thereof.

Cavendish or Negrohead may be manufactured in Bond.

III. It shall be lawful for licensed Manufacturers of Tobacco to manufacture in such Warehouses, or Parts or Divisions thereof, as shall be approved by the Commissioners of Customs for the Manufacture of Tobacco in Bond, the several Descriptions of Tobacco respectively called or known as Cavendish and Negrohead from any Leaf or other unmanufactured Tobacco duly warehoused for Security of Duties of Customs, and to use in such Manufacture Materials or Ingredients

dients for sweetening or flavouring the same (not being the Leaves of Trees or Plants other than of the Tobacco Plant), anything to the contrary in any other Act in force to the contrary notwithstanding; and it shall also be lawful for any such Manufacturer or any Importer of Cavendish or Negrohead Tobacco, in such Warehouse, Part or Division of such Warehouse, to pack or make up, wrap, and label in Parcels of the Weight and in the Manner hereinafter mentioned any Cavendish or Negrohead Tobacco which shall have been so manufactured in Bond as aforesaid, or which shall have been imported in the manufactured State: Provided that such Manufacture and the packing or making up, wrapping and labelling thereof, shall be done and performed in accordance with and under such Terms and Conditions as are prescribed by this Act, and under and subject to such other Rules and Regulations as the said Commissioners shall from Time to Time see fit to direct.

Cavendish and Negrohead Tobacco not to be delivered for Home Consumption, except on Conditions herein specified.

IV. No Cavendish or Negrohead Tobacco, whether imported and warehoused as such or manufactured in the Warehouse, shall be delivered from any Warehouse for Home Consumption except under the following Conditions:

1. Such Tobacco shall be made into separate Packets of such Weights respectively as the Commissioners of Customs shall direct, not exceeding One Pound nor less than One Ounce each:
2. Each such Packet shall be enclosed by or at the Expense of the Importer or Manufacturer in a Wrapper approved by the Commissioners of Customs:
3. Each such Wrapper shall be securely fastened by a Label, to be provided by the Commissioners of Customs, and pasted on such wrapper by such Importer or Manufacturer so that the same cannot be opened nor any part of the Contents of such Package be abstracted without tearing or destroying such Label, or cutting or destroying the Wrapper thereof, at any other Part or Place than that on which the Label is pasted or secured:
4. Before any Cavendish or Negrohead Tobacco imported and warehoused shall be made into Packets or Parcels as aforesaid the same shall be duly entered for Home Consumption, and the full Duty of Customs paid thereon:
5. When any unmanufactured Tobacco shall have been manufactured or converted into Cavendish or Negrohead in the Warehouse the same shall be duly entered for Home Consumption, and the full Duties of Customs shall be paid upon the Tobacco so manufactured before the same is made into Packets:

6. If

6. If any Tobacco so manufactured in the Warehouse shall not be made into Packets for Home Consumption the same shall be re-warehoused either for Exportation or for future packing, wrapping, and labelling for Home Consumption, if at any Time afterwards required for that Purpose:
7. All Stalks, Waste, and other Refuse remaining after and from the Manufacture of Cavendish or Negrohead Tobacco in the Warehouse or from the packing thereof shall be destroyed in the Presence of the proper Officer of Customs or be re-warehoused for Exportation, at the Option of the Manufacturer:
8. Every licensed Manufacturer shall enter in a Book, to be supplied to him by the said Commissioners, in such Form and Manner as they shall direct, the following and such other Particulars as the said Commissioners shall require; *viz.*,
   - The Weights, Quantities, and Particulars of all unmanufactured Tobacco and other Materials and Ingredients received by him into such Warehouse for the Purpose of being manufactured;
   - The Weight and Quantities thereof consumed in such Manufacture;
   - The Weight, Quantities, and Particulars of unmanufactured Tobacco, Materials, Ingredients, Stalks, Waste, and other Refuse remaining after or caused by such Manufacture;
   - The Quantity of Cavendish or Negrohead produced by such Manufacture;
   - The Quantity thereof made up into Packets, wrapped, labelled, and delivered for Home Consumption, with the Number of Packets of each Size or Weight respectively;
   - The Quantity thereof re-warehoused for Home Consumption or otherwise, and the Quantity of Tobacco, Materials, Ingredients, Stalks, Waste, or other Refuse returned into the Customs Warehouse to be destroyed:
9. Every such Book shall be kept in the Warehouse and shall be at all Times accessible to the Officers of Customs, who may make Minutes in or take Extracts therefrom, and such Manufacturer shall correctly keep such Book in the Manner required, and shall not cancel or obliterate the same or any Part thereof, or make any Alteration in any Entry therein, except for Correction

of any Errors, with the Sanction and in the Presence of the proper Officer of Customs:

Penalty for Noncompliance with foregoing Conditions.

Every licensed Manufacturer, Dealer, or other Person engaged in such Warehouse in any of the Operations aforesaid who shall refuse or neglect to comply with any of the foregoing Conditions shall for every such Offence forfeit the Sum of Twenty Pounds.

Account of Stock of Tobacco and Materials remaining in Warehouses to be taken, and Balances to be struck.

V. From Time to Time when and as often as the Officer of Customs having Charge of any such approved Warehouse shall deem it to be necessary or proper, and at least once in every Year, the Stock of Tobacco manufactured and unmanufactured, and all Materials and Ingredients to be used in such Manufacture as aforesaid, remaining in such Warehouse, shall be weighed in the Presence of the said Officer, and an Account thereof shall be taken, and a Balance shall be struck of all Tobacco, Materials, and Ingredients received into such Warehouse, and of all manufactured Tobacco and Stalks and Refuse of Tobacco lawfully delivered thereout; and if the Quantity by Weight of such Tobacco, Materials, and Ingredients remaining in the said Warehouse shall be less than the Quantity which, according to the Balance of such Account, after making such Allowance for Waste by Evaporation in the Process of Manufacture as to the proper Officer of Customs may appear reasonable, and as may be in accordance with any Rules made by the Commissioners of Customs, ought to be found therein, the Deficiency shall be deemed to be so much Tobacco fraudulently removed from such Warehouse without Payment of the Duties of Customs thereon, and the said Manufacturer shall forfeit the Sum of One hundred Pounds, and moreover the Amount of such Duty shall be recoverable as a Debt due to Her Majesty.

Deficiency to be deemed Tobacco fraudulently removed.

Penalty on Sale, &c. of Cavendish or Negrohead Tobacco not enclosed and labelled.

VI. If any Tobacco of either of the Descriptions called respectively Cavendish and Negrohead, whether of Foreign or *British* Manufacture, containing or having mixed therewith any Material or Ingredient prohibited by any Act in force to be used in the Manufacture in the United Kingdom of Tobacco of the like Description, and not being enclosed in a Wrapper securely fastened by such Label as aforesaid, or of which such Wrapper or Label shall have been cut or torn, obliterated, or cancelled, or bear any other Mark or Appearance of having been opened or tampered with, shall be sold or exposed for Sale by or be found in the Possession of any Importer or Manufacturer of or Dealer in or Retailer of Tobacco, he shall forfeit either treble the value thereof or the Penalty of Twenty Pounds, and all such Tobacco shall be forfeited:

Provided nevertheless, that if at the Time of the passing of this

this Act any Manufacturer of or Dealer in Tobacco shall have in his Possession any Foreign Cavendish or Negrohead Tobacco, he may bring the same to any Customs Warehouse approved for the wrapping and labelling of Cavendish or Negrohead Tobacco, and may there wrap and label the same, first rendering an Account thereof, and showing to the Satisfaction of the Commissioners of Customs that the Duty thereon upon the Importation thereof has been duly paid; and if any Foreign Cavendish or Negrohead Tobacco shall be found in the Possession of any Manufacturer of or Dealer in Tobacco after the Expiration of Twenty-eight Days from the passing of this Act, not being so wrapped and labelled as aforesaid, the same shall be forfeited, and such Manufacturer of or Dealer in Tobacco shall forfeit either treble the Value thereof or the Penalty of Twenty Pounds, at the Election of the Commissioners of Customs or Inland Revenue.

Labels to be provided, and Forgery thereof punishable by Imprisonment with Hard Labour.

VII. The Labels by this Act directed to be provided by the Commissioners of Customs shall be printed or stamped with such Device as they shall think proper; and if any Person shall forge or counterfeit any such Label or the Device thereon, or shall utter any such Label or Device knowing the same to be forged or counterfeited, he shall, on Conviction of such Offence, be imprisoned in the House of Correction, with Hard Labour, for any Term not exceeding Six Calendar Months nor less than Three Calendar Months.

Penalty on Vendors failing to obliterate Labels on Sale of Packets before Delivery.

VIII. If any Retail Dealer or Vendor of any Packet of Cavendish or Negrohead Tobacco, labelled as required by this Act, shall fail on the Sale thereof to obliterate, before Delivery to the Purchaser, the Label so as to render the same incapable of being again used for the same Purpose, he shall forfeit the Penalty of Twenty Pounds.

Cavendish or Negrohead Tobacco not to be imported except to be warehoused.

IX. No Cavendish or Negrohead Tobacco containing the Leaves of Trees or Plants other than of the Tobacco Plant shall be imported into *Great Britain* and *Ireland*, nor shall any Cavendish or Negrohead Tobacco be imported into *Great Britain* and *Ireland*, except to be warehoused in the first instance in some Warehouse approved by the Commissioners of Customs for Security of Duties of Customs on Tobacco; and if any such Cavendish or Negrohead Tobacco shall be imported contrary hereto, or being imported shall not be forthwith duly entered and warehoused, the same shall be forfeited, and the Importer thereof, and every Dealer or other Person concerned in the Importation thereof, or to whose Hands the same shall come, shall forfeit either treble the Value thereof or the Penalty of One hundred Pounds, at the Election of the Commissioners of Customs.

X. All

Importation of Tobacco (except Cavendish or Negrohead) containing prohibited Ingredients to be forfeited.

X. All manufactured Tobacco (other than Cavendish or Negrohead) imported into or found in *Great Britain* and *Ireland* containing or having mixed therewith any Material or Ingredient prohibited by any Act in force to be used in the Manufacture in the United Kingdom of Tobacco shall be forfeited; and the Importer thereof and any Dealer or other Person concerned in the Importation, harbouring, or concealing thereof, or to whose Hands the same may come, shall forfeit either the treble Value thereof or the Penalty of One hundred Pounds, at the Election of the Commissioners of Customs.

Commissioners of Customs may make Rules and Regulations for carrying this Act into effect.

XI. It shall be lawful for the Commissioners of Customs from Time to Time to make such Rules and Regulations as shall appear to them to be necessary or proper for regulating the safe Removal of any Tobacco, or of any Surplus, or Stalks, Waste, or Refuse thereof, to any Warehouse, Part or Division of any Warehouse, or from any such Warehouse, Part or Division of a Warehouse, to another for the Purposes of this Act, and for securing the same against fraudulent Abstraction, and also for regulating the Times of opening and closing any such Warehouses or Parts or Divisions of a Warehouse, and the Admission of Workmen for the Purpose of manufacturing and packing, wrapping, and labelling the Tobacco therein, and also to make all such other Rules and Regulations as they shall think fit for the Purpose of carrying out the Object and Intention of this Act in all Cases not herein expressly provided for, and to require such Security by Bond or otherwise for the Purposes above mentioned, and for Security of the Duties on Tobacco, as they shall see fit.

Officers of Customs or Inland Revenue may carry out Provisions of this Act.

XII. Any Duty or Service required by this Act to be done or performed by any Officer of Customs may be done by any Officer of Customs or Inland Revenue or Excise, or other Person appointed for that Duty or Service by the Commissioners of Customs or the Commissioners of Inland Revenue respectively, and every such Officer or other Person shall be deemed to be the proper Officer for such Duty or Service.

How Penalties and Forfeitures are to be prosecuted for and recovered.

XIII. All Penalties and Forfeitures which may be incurred under this Act may be prosecuted, sued for, and recovered by Order of the Commissioners of Customs or the Commissioners of Inland Revenue under this or any other Act or Acts relating to the Customs, Inland Revenue, or Excise respectively.

Mode of estimating Penalties per Value.

XIV. In any Suit or Prosecution for the Recovery of any Penalty or Forfeiture under this or any other Act relating to the Customs in respect of any manufactured Tobacco, whether the same shall consist of Cigars, Snuff, Tobacco Stalks, Tobacco Stalk Flour, Snuff Work, or other Article manufactured wholly

wholly or in part from Tobacco, it shall be sufficient to describe the same in any Information or other Proceeding had thereon as manufactured Tobacco, and it shall be so deemed for the Purpose of such Suit or Prosecution; and in estimating the Amount of any Penalty determinable by the Value of the Article with the Duty of Importation chargeable thereon, the same shall be ascertained, as to the Tobacco, at the Market Price in *London*, at or about the Time of the Offence, of Tobacco of the like Sort or Denomination of the best Quality; and, as to the Duty, at the rate then chargeable on the Importation of Tobacco of the like Sort or Denomination; but if the Tobacco, the Subject of such Prosecution, be of a Kind prohibited to be imported, a Sum equal to the highest Rate of Duty then chargeable on the Importation of any Sort of manufactured Tobacco shall be added to the Price of the Tobacco: And as to any unmanufactured Tobacco, in estimating the Amount of any Penalty in respect thereof for the Purpose of any Suit or Prosecution, the same shall be determined by the Market Price in *London*, at or about the Time of the Offence, of unmanufactured Tobacco of the best Quality, with the highest Rate of Duty then chargeable on the Importation of unmanufactured Tobacco added thereto.

This Act not to repeal the Provisions of 3 & 4 Vict. c. 18. and 5 & 6 Vict. c. 93.

XV. Provided always, that nothing in this Act contained shall be construed, deemed, or taken to repeal, alter, or affect any of the Provisions contained in an Act passed in the Third and Fourth Years of Her Majesty's Reign, Chapter Eighteen, intituled *An Act to discontinue the Excise Survey on Tobacco, and to provide other Regulations in lieu thereof;* and an Act passed in the Fifth and Sixth Years of Her Majesty's Reign, Chapter Ninety-three, to amend the last-mentioned Act, save and except so far as the same are altered or varied by this Act.

Commencement of Act.

Short Title.

XVI. This Act shall come into operation on the Day of the passing thereof; and in citing it in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Manufactured Tobacco Act, 1863."

CAP. VIII.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. —[20*th* April 1863.]

CAP. IX.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.—[20*th* April 1863.]

CAP. X.

An Act for prohibiting the Exportation of Salmon at certain Times.—[20*th* April 1863.]

WHEREAS the Sale of Salmon within the United Kingdom is prohibited at various Times; that is to say, if caught in *England* within the Limits of the Salmon Fishery Act, 1861, is prohibited between the Third Day of *September* and the Second Day of *February*; if caught in any Fishery District in *Ireland* is prohibited during such Time as the Capture of Salmon is prohibited in that District; if caught in *Scotland* within the Limits of "The Salmon Fisheries (*Scotland*) Act, 1862," is prohibited between the Commencement of the latest and the Termination of the earliest Annual Close Time fixed for any District; if caught in the River *Tweed*, as defined by "The *Tweed* Fisheries Amendment Act, 1859," is prohibited between the Fourteenth Day of *September* and the Fifteenth Day of *February*: And whereas the Capture or Possession of foul or unseasonable Salmon within the Limits of the United Kingdom is prohibited at all Times: And whereas the Provisions of the said Acts are evaded by the Exportation for Sale in *France* and other Foreign Countries of Salmon that cannot legally be sold within the Limits of the United Kingdom: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

24 & 25 Vict. c. 109.

25 & 26 Vict. c. 97.

22 & 23 Vict. c. lxx.

Short Title.

I. This Act may be cited for all Purposes as "The Salmon Acts Amendment Act, 1863."

"Parts beyond Seas" defined.

II. No Part of the United Kingdom, however situated with regard to any other Part, shall be deemed for the Purposes of this Act to be Parts beyond Seas.

Export of unclean or unseason-

III. No unclean or unseasonable Salmon, and no Salmon caught during the Time at which the Sale of Salmon is prohibited

hibited in the District where it is caught, shall be exported or entered for Exportation from any Part of the United Kingdom to Parts beyond Seas. able Salmon, or Salmon caught at certain Times, prohibited.

All Salmon exported or entered for Exportation in contravention of this Section shall be forfeited, and the Person exporting or entering the same for Exportation shall be subject to a Penalty not exceeding Five Pounds in respect of each Salmon so exported or entered for Exportation.

The Burden of proving that any Salmon entered for Exportation from any Part of the United Kingdom to Parts beyond Seas between the Third Day of *September* and the Second Day of *February* following is not so entered in contravention of this Act shall lie on the Person entering the same for Exportation.

IV. All Penalties under this Act may be recovered in *England*, except within the Limits of the said *Tweed* Fisheries Act, as Penalties under the Salmon Fishery Act, 1861; in *Ireland* as Penalties under the Act passed in the Session of the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter One hundred and six, intituled *An Act to regulate the* Irish *Fisheries;* in *Scotland*, except within the Limits of the said *Tweed* Fisheries Act, as Penalties under the Salmon Fisheries (*Scotland*) Act, 1862; and within the Limits of the said *Tweed* Fisheries Act, in manner prescribed by "The *Tweed* Fisheries Act, 1857." Recovery of Penalties.

CAP. XI.

An Act for the Registration of Births and Deaths in Ireland.—[20*th* April 1863.]

CAP. XII.

An Act to abolish the Office of Secretary at War, and to transfer the Duties of that Office to One of Her Majesty's Principal Secretaries of State.—[4*th* May 1863.]

CAP. XIII.

An Act for the Protection of certain Garden or Ornamental Grounds in Cities and Boroughs.—[4*th* May 1863.]

§ Nothing in this Act shall extend to *Scotland* or *Ireland*.

CAP. XIV.

An Act to amend the Law relating to Post Office Savings Banks.—[4*th* May 1863.]

WHEREAS it is expedient to amend the Law relating to Post Office Savings Banks; to provide for the Relief of the Trustees where Savings Banks have been or shall be closed; and to make further Provision in respect to the Investment of the Monies of Post Office Savings Banks: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

As to transfer of Accounts of Minors.

I. In the Case of the Accounts of Minors, or of Accounts standing in the Names of a Minor and any other Party, either in a Post Office Savings Bank or in a Savings Bank established under the Laws relating to Savings Banks, the Postmaster-General in the one Case, and the Trustees of the Savings Bank in the other, on the Application in Writing of the Parent or other Relative of the Minor if under Seven Years of Age, and of the Minor himself if above that Age, and also of the other Party, if any, in whose Name the Account may stand, shall issue a Certificate for the Transfer of such Account, and of all Money standing to the Credit of such Account, according to the Provisions of the Act Twenty-four *Victoria*, Chapter Fourteen, Section Ten, anything in the Rules of any Savings Bank notwithstanding, and such Account so transferred shall be opened in the Post Office Savings Bank or other Savings Bank to which the Transfer is made in the Name of such Party, if any, and of the Minor, or in the Name of the Minor alone, as the Case may be; and the Receipt of the Party or Parties making such Application and receiving such Transfer Certificate shall be a sufficient Discharge to the Postmaster-General and

to

to such Trustees; but the Money so transferred shall not be withdrawn, except with the Consent of the Postmaster-General, or of any Two Trustees or Managers of the Savings Bank to which the Transfer is made, until the Minor shall have attained the Age at which it might have been withdrawn under the Rules of the Savings Bank from which it was transferred, a Note whereof shall be made on the said Certificate.

On closing of Savings Banks, Funds, &c. to be paid over to Commissioners for Reduction of National Debt.

II. Upon the final closing of any Savings Bank, or where any Savings Bank has already closed, the Trustees or Trustee for the Time being thereof, or any Two or more of them, shall forthwith notify the same in Writing to the Commissioners for the Reduction of the National Debt, and shall, with the Consent of the said Commissioners, convert into Money any Property, not being Money, held by the said Trustees of the Savings Bank, or by any Person as Trustee for the Savings Bank, and after paying the Expenses of such Conversion, and any Claims thereon, shall account for and pay over the Residue to the said Commissioners, to be by them carried to the separate Surplus Fund standing in the Books of the said Commissioners, and the Monies carried on account of each Saving Bank to the said separate Surplus Fund under this and the following Section of this Act shall be subject to any Claim that may thereafter be substantiated on account of any Depositor in the Savings Bank so closed; and the Receipt in Writing of the said Trustees or Trustee for the Time being, or any Two or more of them, for any Money paid to them by any Purchaser or Lessee, shall be an effectual Discharge for the same, and the Purchaser or Lessee shall not be obliged to see to the Application of such Money, or be accountable or answerable for the Loss, Misapplication, or Non-application thereof, or be bound to inquire whether the Assent of the said Commissioners has been obtained to such Sale or Lease, or to the Regularity thereof; and all Purchases of any Freehold or Copyhold or Leasehold Estates which have already been made or may hereafter be made, with the Consent of the Commissioners for the Reduction of the National Debt, or the Comptroller General acting under them, by the Trustees of any Savings Bank, with the Monies thereof, shall be and shall be deemed to have been as good, valid, and effectual in the Law to all Intents and Purposes whatsoever as if the same had been or were expressly authorized or sanctioned by any Statute relating to Savings Banks; and such Purchases shall not be liable to any Objection or their Validity affected by reason of any Defect in the Right or Power of such Trustees to make such Purchases; and a Certificate under the Hand of the said Comptroller General of any such Purchase having been made, with such Consent and with such Monies as aforesaid, shall

Receipt of Trustees on Sale of Property to be a Discharge to Purchaser.

Security to Purchasers.

shall for all Purposes whatsoever be conclusive Evidence thereof: Provided always, that Trustees of Savings Banks which are desirous of closing shall have Power to compensate their Officers out of any separate Surplus Fund that may belong to any such Savings Bank, with the Consent of the Commissioners for the Reduction of the National Debt.

Provision when Trustees have determined on closing Savings Banks.

III. When the Trustees of any Savings Bank shall have determined to close the Savings Bank for the Receipt of Deposits, and shall have given public Notice of such Intention by Letter through the Post Office, prepaid, to each Depositor at his Residence when known, by Advertisement in some one Newspaper circulating in the District in which the Savings Bank is situate, and by affixing such Notice on the outer Door of the Building in which the Business of the Savings Bank is carried on, and shall have paid off Three Fourths of their Depositors Amount, either in Money or by Transfer to a Post Office Savings Bank, such Trustees may, if they think fit, transmit, under the Hands of Two Trustees and Three Managers, to the Commissioners for the Reduction of the National Debt a certified List of such Depositors as have not applied to them to receive their Deposits or for Transfer Certificates, and of the Amount due to them respectively, and the said Commissioners may thereupon receive from the said Trustees all Money remaining in the Hands of the said Trustees or of their Treasurer, and if such Money, with the Money belonging to the said Savings Bank in the Hands of the said Commissioners, together with the Proceeds of the Sale of other Property, as referred to in Section Two of this Act, shall be sufficient to discharge the whole of the Liabilities of such Trustees to the Depositors, as set forth in the said List, then the Certificate of the said Commissioners shall be a sufficient Discharge to the said Trustees in respect of all such Money so paid over, or in the Hands of the said Commissioners; and all such Monies shall be held by the said Commissioners, subject to the Rights and Claims of the Depositors named in such List, who shall thenceforth be considered to be Depositors in a Post Office Savings Bank; and such Depositors, on presenting their Deposit Books at any Post Office Savings Bank, shall be entitled to claim Payment of the Sums due to them respectively, with the Interest due to them thereon, and on establishing their Claim shall be paid out of the Monies so paid over by the Trustees under this and the foregoing Section of this Act and in the Hands of the Commissioners as above referred to, and the Surplus of such Monies, if any, after providing for the sums due to such Depositors, shall be carried to the separate Surplus Fund in the Books of the said Commissioners.

IV. The

IV. The Commissioners of Her Majesty's Treasury, by Warrant under the Hands of any Two or more of them, addressed to the Governor and Company of the Bank of *England*, may from Time to Time direct that out of the total Amount of the Capital Stock of any Perpetual Government Annuities, bearing Interest at or exceeding the Rate of Three *per Centum per Annum*, standing in the Names of the Commissioners for the Reduction of the National Debt on account of Post Office Savings Banks in the Books of the Bank of *England*, the Amount of Stock mentioned in such Warrant shall be cancelled, and that in place thereof there shall be created and inscribed in the said Books, in the Names of the said Commissioners, a like Amount of Capital Stock bearing Interest at the Rate of Two Pounds Ten Shillings *per Centum per Annum*; and the said Commissioners of Her Majesty's Treasury shall by the said Warrant authorize and direct the said Governor and Company to create and inscribe in the Books of the Bank, in addition to the said Capital Stock, bearing an Interest of Two Pounds Ten Shillings *per Centum per Annum*, such an Amount of Annuity for a Term of Years ending on the Fifth *April* One thousand eight hundred and eighty-five as shall be equivalent in Value to the Difference between the Rate of Two Pounds Ten Shillings *per Centum* and the Rate of Interest on the Capital Stock so cancelled, and the Amount of such Terminable Annuity shall be ascertained and determined by the Tables in force under the Act of the Tenth *George* the Fourth, Chapter Twenty-four, under the Authority of which Annuities for Terms of Years are granted by the said Commissioners for the Reduction of the National Debt; and such Stock and Annuities so created in lieu of the Annuities cancelled shall be held by the said Commissioners for Post Office Savings Banks; and all such Two Pounds Ten Shillings Perpetual Annuities shall be consolidated with and be deemed Part of the Two and a Half *per Centum* Annuities created under the Act of the Sixteenth *Victoria*, Chapter Twenty-three, Section Two, and such Terminable Annuities shall be consolidated with and form Part of the Terminable Annuities created under the Act of the Twenty-third and Twenty-fourth *Victoria*, Chapter One hundred and nine, Section Three, and the Interest thereon shall be charged on the Consolidated Fund, and be paid and payable to the Bank of *England*, and such Warrant shall be a sufficient Authority to the said Governor and Company for the Creation and Inscription of the said Stock and Annuities respectively. As to Conversion of Annuities.

V. The Trustees of any Savings Bank, at a Meeting called for that Purpose, may appoint any Number of Managers to sign Transfer Certificates; and the Signatures of any Two of such Managers Power to appoint Managers to sign

Transfer Certificates.

Managers to a Transfer Certificate shall be a sufficient Authority to the Commissioners for the Reduction of the National Debt to transfer the Amount set forth in such Certificate; provided that a List of such Managers, with their Signatures certified by Two Trustees, shall have been previously deposited with the Commissioners for the Reduction of the National Debt; and provided also, that the said Trustees may from Time to Time revoke such Appointment and appoint other Managers, notifying such Revocation and Appointment to the said Commissioners.

Warrants to be laid before Parliament.

VI. Whenever the Commissioners of Her Majesty's Treasury shall exercise the Powers vested in them by the Fourth Section of this Act, Copy of the Warrant issued in respect thereof by the said Commissioners shall be laid before both Houses of Parliament within Ten Days from the Date thereof, if Parliament shall be then sitting, and if not then sitting then in the Ten Days after the then next assembling of Parliament.

CAP. XV.

An Act to apply the Sum of Twenty Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-three.—[11*th* May 1863.]

CAP. XVI.

An Act for raising the Sum of One Million Pounds by Exchequer Bonds for the Service of the Year One thousand eight hundred and sixty-three.—[11*th* May 1863.]

CAP. XVII.

An Act for amending the Local Government Act (1858).—[11*th* May 1863.]

CAP. XVIII.

An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England *and* Wales.—[11*th* May 1863.]

CAP. XIX.

An Act to amend the Law relative to the Sale of Hares in Ireland.—[8*th* June 1863.]

CAP. XX.

An Act to further limit and define the Time for proceeding to Election during the Recess.—[8*th* June 1863.]

WHEREAS by the Act of the Twenty-fourth of *George* the Third, Chapter Twenty-six, the Act of the Fifty-second of *George* the Third, Chapter One hundred and forty-four, and the Act of the Twenty-first and Twenty-second of *Victoria*, Chapter One hundred and ten, the Speaker is enabled to issue his Warrant to the Clerk of the Crown to make out new Writs for the Election of Members of the House of Commons in certain Cases during the Recess of Parliament, after giving Fourteen Days Notice in the *London Gazette:* And whereas it is expedient to limit the Time of Notice required by the said Acts: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Acts to be construed as if Six and not Fourteen Days Notice had been originally in said Acts.

I. The Act of the Twenty-fourth Year of *George* the Third, Chapter Twenty-six, the Act of the Fifty-second Year of *George* the Third, Chapter One hundred and forty-four, and the Act of the Twenty-first and Twenty-second Years of *Victoria*, Chapter One hundred and ten, shall be so construed as if Six and not Fourteen Days Notice had been originally in the said Acts, and this Act and the said Acts shall be construed and read together.

CAP. XXI.

An Act to amend the Law enabling Boards of Guardians to recover Costs of Maintenance of illegitimate Children in certain Cases in Ireland.—[*8th* June 1863.]

CAP. XXII.

An Act to grant certain Duties of Customs and Inland Revenue.—[*8th* June 1863.]

Most Gracious Sovereign,

WE Your Majesty's most dutiful and loyal Subjects the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's public Expenses, and making an Addition to the public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several Rates and Duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Grant of Duties specified in Schedules annexed.

I. There shall be charged, collected, and paid for the Use of Her Majesty, Her Heirs and Successors, the several Rates and Duties of Customs, Excise, and Income Tax respectively specified and contained in the several Schedules marked respectively (A.), (B.), and (C.) to this Act annexed, and there shall be allowed the several Drawbacks specified and contained in the said Schedule (A.), and the said Rates, Duties, and Drawbacks shall respectively take effect at or from the respective Times, and shall continue to be charged, collected, paid, and allowed for and during the Periods respectively specified or mentioned in that Behalf in this Act or in the said Schedules; and where no Time is so specified for the Commencement thereof, the same shall commence and take effect from and after the passing of this Act; and where no Period is so specified or limited for the Duration thereof, the same shall continue to be charged, collected, paid, and

and allowed respectively until Parliament shall otherwise order; and the said several Schedules shall be deemed to be Part of this Act.

Provisions of former Acts to apply to this Act.

II. All the Powers, Provisions, Clauses, Regulations, Allowances and Exemptions, Forfeitures, Pains and Penalties, contained in or imposed by any Act or Acts, or any Schedule thereto, relating to any Duties or Drawbacks of the same Kind or Description as the several Rates or Duties or Drawbacks granted and allowed by this Act respectively, and in force at the Time of the passing of this Act, and not hereby expressly repealed, or, as regards the Income Tax, in force on the Fifth Day of *April* One thousand eight hundred and sixty-three (except as herein-after provided), shall respectively be in full Force and Effect with respect to the said Rates, Duties, and Drawbacks by this Act granted and allowed respectively, so far as the same are or shall be applicable, in all Cases not hereby expressly provided for, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said last-mentioned Rates and Duties and the Allowance and Payment of the said Drawbacks respectively, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted, *mutatis mutandis*, with reference to the Rates, Duties, and Drawbacks by this Act granted and allowed respectively: Provided always, that nothing herein contained shall be construed to continue or revive the Provisions contained in Section Three of the Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter Fourteen; and for the Purposes of this Act the Year One thousand eight hundred and sixty-two mentioned in the Forty-second and Forty-third Sections respectively of the Act passed in the last Session of Parliament, Chapter Twenty-two, shall be read as and deemed to mean the Year One thousand eight hundred and sixty-three.

Exemption of Persons whose Income is under £100, and Abatement to those whose Income

III. The Exemption from Income Tax granted by the said Acts relating to the Income Tax to Persons whose Incomes are respectively less than One hundred Pounds a Year shall be and is hereby continued; and in lieu of the Relief granted by the Twenty-eighth Section of the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, to Persons whose respective Incomes, although amounting to One hundred Pounds or upwards, are less respectively than One hundred and fifty Pounds a Year, the following

is under £200 a Year respectively.

following Relief or Abatement shall be given or made to Persons whose Incomes are less respectively than Two hundred Pounds a Year; (that is to say,) any Person who shall be assessed or charged to any of the Duties of Income Tax granted by this Act, or who shall have paid the same either by Deduction or otherwise, and who shall claim and prove in the Manner prescribed by the said Acts that his total Income from every Source, although amounting to One hundred Pounds or upwards, is less than Two hundred Pounds for the Year of Assessment of his Profits or Gains, shall be entitled to be relieved from so much of the said Duties assessed upon or paid by him as an Assessment or Charge of the said Duties upon Sixty Pounds of his Income would amount unto, and such Relief shall be given either by Reduction or Abatement of the Assessment upon such Person, or by the Repayment to him of so much of the Excess as he shall have paid, or by both of those Means, as the Case may require.

Certain Customs Duties to cease on July 1, 1863.

IV. On and after the First Day of *July* One thousand eight hundred and sixty-three the several Duties specified and contained in Schedule (D.) to this Act annexed shall cease, and shall be no longer charged, levied, or paid respectively; and on and after the said First Day of *July* One thousand eight hundred and sixty-three the several Parts of Acts specified and enumerated in the said Schedule (D.) shall be and the same are hereby repealed.

SCHEDULES.

SCHEDULE (A.)

Containing the RATES and DUTIES of CUSTOMS granted, and the DRAWBACKS allowed, on the following Articles by this Act.

Duties now charged on Sugar, &c. continued until 1st August 1864.

The Duties of Customs now charged on the Articles next mentioned shall continue to be levied and charged on and after the First Day of July One thousand eight hundred and sixty-three until the First Day of August One thousand eight hundred and sixty-four on Importation into Great Britain and Ireland; that is to say,

		£	s.	d.
Almonds, Paste of - - - -	the lb.	0	0	2
Cherries, dried - - - - -	the lb.	0	0	2
Comfits, dry - - - - -	the lb.	0	0	2

Confectionery

		£	s.	d.
Confectionery - - - -	the lb.	0	0	2
Ginger, preserved - - -	the lb.	0	0	2
Marmalade - - - -	the lb.	0	0	2
Plums, preserved in Sugar - -	the lb.	0	0	2
Succades, including all Fruits and Vegetables, preserved in Sugar, not otherwise enumerated -	the lb.	0	0	2
Sugar, viz.:				
Candy, Brown or White, Refined Sugar, or Sugar rendered by any Process equal in Quality thereto - - -	the Cwt.	0	18	4
White Clayed Sugar or Sugar rendered by any Process equal in Quality to White Clayed not being refined or equal in Quality to refined - -	the Cwt.	0	16	0
Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed	the Cwt.	0	13	10
Brown Muscovado or any other Sugar, not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar	the Cwt.	0	12	8
Cane Juice - - - -	the Cwt.	0	10	4
Molasses - - - -	the Cwt.	0	5	0

The following Drawbacks shall be allowed on Exportation to Foreign Parts, or on Removal to the Isle of Man for Consumption there, of the several Descriptions of Refined Sugar herein-after mentioned, on and after the First Day of July One thousand eight hundred and sixty-three until the First Day of August One thousand eight hundred and sixty-four; that is to say,

	£	s.	d.
Upon Refined Sugar in Loaf, complete or whole, or Lumps, duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform Whiteness throughout, or Sugar Candy, or Sugar refined by the Centrifugal Machine or by any other Process, and not in any way inferior to the Export Standard, No. 3, approved by the Lords of the Treasury, for every Cwt. - - -	0	17	2
Upon such Refined Sugar, already described, if pounded, crushed, or broken in a Warehouse			

	£	s.	d.
approved by the Commissioners of Customs, such Sugar having been there first inspected by the Officers of Customs in Lumps or Loaves, as if for immediate Shipment, and then packed for Exportation in the Presence of such Officers, and at the Expense of the Exporters, for every Cwt. - - -	0	17	2
Upon Refined Sugar unstoved, pounded, crushed, or broken, and not in any way inferior to the Export Standard Sample, No. 1, approved by the Lords of the Treasury, and which shall not contain more than Five per Centum Moisture over and above what the same would contain if thoroughly dried in the Stove, for every Cwt.	0	16	4
Upon Bastard or Refined Sugar unstoved, broken in Pieces, or being ground, powdered, or crushed, not in any way inferior to the Export Standard Sample, No. 2, approved by the Lords of the Treasury, for every Cwt. - -	0	15	1
Upon Bastard or Refined Sugar, being inferior in Quality to the said Export Standard Sample, No. 2, for every Cwt. - - -	0	12	8

Duties on Chicory and Tea.

In lieu of the Duties of Customs now charged on the Articles under mentioned, the following Duties of Customs shall on and after the Seventeenth Day of April One thousand eight hundred and sixty-three be charged thereon on Importation into Great Britain and Ireland; that is to say,

	£	s.	d.
Chicory or any other Vegetable Matter applicable to the Uses of Chicory or Coffee, viz.: Raw or Kiln dried - - the Cwt.	1	6	6

On and after the Twenty-fifth Day of April One thousand eight hundred and sixty-three until the First Day of August One thousand eight hundred and sixty-four:

	£	s.	d.
Tea - - - - the lb.	0	1	0

SCHEDULE (B.)

Containing the Duties of Excise granted by this Act.

Chicory.

For and upon all Chicory or any other Vegetable Matter applicable to the Uses of Chicory or Coffee, grown in the United Kingdom:

For

For every Hundredweight thereof, raw or Kiln dried, until the First Day of April One thousand eight hundred and sixty-four, the Excise Duty of One Pound One Shilling and Ninepence, and on and after that Day the Duty of Twenty-four Shillings and Threepence, and so in proportion for any greater or less Quantity than a Hundredweight,—

In lieu of the Excise Duty now chargeable on Chicory or such Vegetable Matter as aforesaid.

SCHEDULE (C.)

Containing the Rates and Duties of Income Tax granted by this Act.

For one year, commencing on the Sixth Day of April One thousand eight hundred and sixty-three, for and in respect of all Property, Profits, and Gains mentioned or described as chargeable in the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, the following Rates and Duties; (that is to say,)

For every Twenty Shillings of the annual Value or Amount of all such Property, Profits, and Gains, (except those chargeable under Schedule (B.) of the said Act,) the Rate or Duty of Sevenpence:

And for and in respect of the Occupation of Lands, Tenements, Hereditaments, and Heritages chargeable under Schedule (B.) of the said Act, for every Twenty Shillings of the annual Value thereof,—

In England, the Rate or Duty of Threepence Halfpenny;

And in Scotland and Ireland respectively, the Rate or Duty of Twopence Halfpenny.

SCHEDULE (D.)

Specifying certain Duties of Customs which are to cease, and Parts of Acts which are repealed by this Act.

On and after the First Day of July One thousand eight hundred and sixty-three, the several Duties herein mentioned shall cease and determine, and the several Parts of Acts respectively specified and enumerated herein shall be and the same are hereby repealed; that is to say,

So much of the Act Twenty-three and Twenty-four Victoria,

ria, Chapter One hundred and ten, relating to Rates and Charges on Importation, as directs that there shall be charged (irrespective of any Duties of Customs or other Rates or Charges payable by Law) upon the Importation of all Goods into Great Britain and Ireland, except Corn, Grain, and Flour, and Timber and Wood Goods, and Goods in Transit exported under Bond, and Goods imported for Exportation in the same Ship, provided they be so reported, the respective Rates and Charges following, as defined and required by the Provisions of "The Customs Tariff Amendment Act, 1860," and under and subject thereto; that is to say,—

	s.	*d.*
Goods in Packages or Parcels, per Package or Parcel, or other Unit of Entry . . .	0	1
Goods in Bulk, by Weight, Measure, or Number, for each Unit of Entry . . .	0	1
Animals, per Head, or other Unit of Entry .	0	1

Also so much of said last-mentioned Act as relates to Charges on Goods exported, as directs that there shall be charged (irrespective of any Duties of Customs, or other Rates or Charges payable by Law,) upon every Customs Bill of Lading on the Exportation of any Goods from Great Britain and Ireland, as required by the Provisions of "The Customs Amendment Act, 1860," and under and subject thereto, 1*s.* 6*d.*

Sections Sixteen, Seventeen, Eighteen, and Nineteen of the Act of Twenty-three Victoria, Chapter Twenty-two.

Section Twenty of the Act of Twenty-three Victoria, Chapter Twenty-two, except so much thereof as requires the Delivery at the Time of Entry of Particulars, in the Manner therein mentioned of Goods free of Duties of Customs on Importation.

Section Twenty-one of the Act of Twenty-three Victoria, Chapter Twenty-two, except so much thereof as constitutes the Shipping Bill, or the Bill of Lading, as the Case may be, in the Manner and with the Particulars thereby required, the Entry outwards of Goods exported in respect of which no Bond is required.

Sections Twenty-three and Twenty-four, and Sections Twenty-seven to Thirty-five inclusive, of the Act of Twenty-three Victoria, Chapter Twenty-two.

Section Five of the Act of Twenty-three and Twenty-four Victoria, Chapter One hundred and ten.

CAP. XXIII.

An Act to alter the Boundaries of New Zealand.—[8*th* June 1863.]

CAP. XXIV.

An Act to facilitate the Appointment of Vice Admirals and of Officers in Vice Admiralty Courts in Her Majesty's Possessions abroad, and to confirm the past Proceedings, to extend the Jurisdiction, and to amend the Practice of those Courts.—[8*th* June 1863.]

CAP. XXV.

An Act to make further Provision for the Investment of the Monies received by the Commissioners for the Reduction of the National Debt from the Trustees of Savings Banks established under the Enactments of the Act Ninth George *the Fourth, Chapter Ninety-two.*—[8*th* June 1863.]

WHEREAS by the Acts now in force relating to Savings Banks the Commissioners for the Reduction of the National Debt are invested with certain Powers and Authorities for investing the Monies remitted to them for that Purpose by the Trustees of Savings Banks: And whereas it is expedient to make further Provisions in respect to the Investment of such Monies: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

I. On the passing of this Act, the Governor and Company of the Bank of *England* shall, out of the total Amounts of the Capital

24,000,00
Stock to b
cancelled

and Charge for Savings Banks to be created in lieu thereof.

Capital Stocks of Annuities standing in their Books to the Credit of the Commissioners for the Reduction of the National Debt for Savings Banks, cancel the following Sums, *viz.*, the Sum of Thirteen million Pounds of New Three Pounds *per Centum per Annum* Annuities, the Sum of Five million Pounds of Three Pounds *per Centum per Annum* Reduced Annuities, and the Sum of Six million Pounds of Consolidated Three Pounds *per Centum per Annum* Annuities, and all Interest or Dividends shall thenceforth cease to be payable, and in place of the Capital Stocks of Annuities so cancelled there shall be created and written in the Books of Her Majesty's Treasury, and at the Receipt of Her Majesty's Exchequer, a Charge for Savings Banks upon the Consolidated Fund of the United Kingdom, under the Authority of this Act, for Twenty-four million Pounds Sterling, bearing the Interest at the Rate of Three Pounds *per Centum per Annum*, payable half-yearly out of the said Consolidated Fund, and such Interest shall be payable in respect to the Sum of Eighteen million Pounds of such Charge in equal half-yearly Payments on the Fifth Day of *April* and the Tenth Day of *October*, and in respect to the remaining Sum of Six million Pounds of such Charge in equal half-yearly Payments on the Fifth Day of *January* and the Fifth Day of *July* in every Year; and such Charge shall be raised in such Books at the Treasury and Exchequer aforesaid as a Charge for and on account of the Fund for the Banks for Savings established under the Provisions of the Act of the Ninth of *George* the Fourth, Chapter Ninety-two.

Treasury may cancel additional Amount not exceeding 5,000,000*l.*, and create terminable Annuities.

II. In addition to the Capital Stock of Annuities held for Savings Banks by the said Commissioners for the Reduction of the National Debt, and directed to be cancelled as aforesaid, the Commissioners of Her Majesty's Treasury, if they shall think it advantageous to the Public Service, may from Time to Time, by Warrant under their Hands, direct the Governor and Company of the Bank of *England* to cancel such further Amount of the Capital Stocks of Annuities standing in the Books of the said Governor and Company to the Credit of the Commissioners for the Reduction of the National Debt for Savings Banks as the said Commissioners of Her Majesty's Treasury may think advisable, not exceeding in the whole the Sum of Five million Pounds, and all Interest and Dividends thereon shall thenceforth cease to be payable; and whenever the said Commissioners shall exercise the Powers in them vested in that respect by this Act, they shall, by Warrant under their Hands, create and cause to be inscribed in the Books of Her Majesty's Exchequer and in the Books of the Governor and Company of the Bank of *England* to the Account of the Commissioners for the Reduction

Reduction of the National Debt for Savings Banks, established under the Provisions of the Act of the Ninth of *George* the Fourth, Chapter Ninety-two, equivalent terminable Annuities for the Amount of Capital Stocks of Annuities so cancelled; and such terminable Annuities shall be charged upon the Consolidated Fund of the United Kingdom, and shall be payable half-yearly on the Tenth Day of *October* and the Fifth Day of *April* in every Year, the last half-yearly Payment thereof to fall due and payable on the Fifth Day of *April* One thousand eight hundred and eighty-five; and the Amount of such terminable Annuities so to be charged upon the Consolidated Fund shall be ascertained by the Commissioners for the Reduction of the National Debt, to be certified to the Commissioners of Her Majesty's Treasury under the Hands of the Comptroller General or Assistant Comptroller and of the Actuary of the National Debt, setting forth the Amount of the terminable Annuities which would be granted by the Commissioners for the Reduction of the National Debt under the Tenth of *George* the Fourth, Chapter Twenty-four, to any Person or Persons desirous of purchasing such terminable Annuities, as a Consideration for the like Amount of Capital Stock of Annuities to be transferred by such Person or Persons to the said Commissioners to be cancelled under the Authority of the said last-mentioned Act; and such terminable Annuities shall be consolidated with and be deemed to be Part of the terminable Annuities created by the Act of the Twenty-third and Twenty-fourth Years of *Victoria*, Chapter One hundred and nine, Section Three; and such Warrants shall be sufficient Authority to the said Governor and Company for the cancelling of the Amount of such Capital Stocks of Annuities, and for the Creation and Inscription of such terminable Annuities; and Copies of all Warrants issued by the said Commissioners of Her Majesty's Treasury under the Authority of this Section of this Act shall be laid before both Houses of Parliament not later than Ten Days from the Date thereof, if Parliament shall be then sitting, and if not then sitting within Ten Days from the next Meeting of Parliament.

Commissioners may invest and sell any Part of the Securities.

III. The Commissioners for the Reduction of the National Debt, after reserving thereout from Time to Time such Sums as they shall think fit, shall, under such Regulations as the said Commissioners shall direct, invest the Interest payable to them on account of the Securities created under this Act, and the Dividends and Interest on all other Securities held by them for Savings Banks, and all Monies remitted to them on account of Savings Banks, in the Purchase of Parliamentary Securities, of whatsoever Kind, created or issued or which may hereafter be created or issued under the Authority of any Act or Acts of Parliament,

Parliament, and directly chargeable on the Consolidated Fund of the United Kingdom, or in any Stock or Debentures or other Securities the due Payment of the Interest on which is expressly guaranteed by Authority of Parliament.

Issues may be made out of Consolidated Fund.

IV. If it shall at any Time or Times appear to the Commissioners for the Reduction of the National Debt desirable on account of the Fund for the Banks for Savings that an Issue in Money should be made out of the Consolidated Fund upon account of the Amount charged thereon for Savings Banks under Section One of this Act, the Commissioners of Her Majesty's Treasury may, upon a Certificate to that Effect, under the Hands of the Comptroller General or Assistant Comptroller, acting under the said Commissioners for the Reduction of the National Debt, issue to the said Commissioners out of the Consolidated Fund or the growing Produce thereof such Sum as shall be named in such Certificate, and the Amount of the Charge for Savings Banks under Section One of this Act shall be reduced by the Amount so issued accordingly.

One Half of Securities to be Parliamentary Securities.

V. At least One Half of the whole Amount of Securities held by the Commissioners for the Reduction of the National Debt for Savings Banks, exclusive of and in addition to the Amount of the Charge upon the Consolidated Fund for Savings Banks created under Section One of this Act, shall be in Parliamentary Stocks of Annuities, or in Exchequer Bills or Bonds, or other Securities the Interest of which is chargeable upon the Consolidated Fund; and if it shall appear on the Twentieth Day of *November* in any One Year that the Amount of all such Securities held by the said Commissioners for Savings Banks shall be less than One Half of the whole of the Securities so held by them, it shall not then be lawful for the said Commissioners to make the Investments in any other Securities authorized by this Act until the Amount of such first-named Securities shall be raised by further Investments to the full Amount of not less than One Half of the whole Securities held by the said Commissioners, exclusive of the said Charge upon the Consolidated Fund under Section One.

Accounts to be made up annually to 20th November.

VI. A Balance Sheet shall be prepared by the Commissioners for the Reduction of the National Debt, as soon as may be after the Twentieth Day of *November* in every Year, in which shall be set forth the Assets and Liabilities of the said Commissioners in respect of Savings Banks established under the Act of the Ninth of *George* the Fourth, Chapter Ninety-two, to the Credit of which shall be placed the Amount of the said Charge upon the Consolidated Fund for Twenty-four millions, and of all other Monies and Securities, of whatsoever Kind, held by the said Commissioners on account of such Savings Banks on the said Twentieth

Twentieth day of *November*, valuing such Securities respectively at the Price which Securities of like Kind shall bear on that Day in the public Market, and to the Debit of which Account shall be carried the total Amount due by the said Commissioners to the Trustees of Savings Banks on account of the Remittances made by them for Investment, and a Copy of such Balance Sheet shall be laid before both Houses of Parliament not later than the Thirty-first day of *March* then next following.

Deficiency to be a Charge on the Consolidated Fund.

VII. If it shall appear upon such Balance Sheet that the Amount at the Credit of the said Accounts is insufficient to meet the Liabilities as therein set forth, and the Commissioners of Her Majesty's Treasury shall be satisfied thereof, the said Commissioners shall, by Warrant under their Hands, declare the Amount of such Deficiency to be a Charge on the Consolidated Fund of the United Kingdom, subject to the legal Claims of the Trustees of Savings Banks on account of the Sums remitted to the Commissioners for the Reduction of the National Debt for Investment.

Powers of Investment to continue in force.

VIII. The several Powers and Authorities which now are or may hereafter be vested by Law in the said Commissioners for the Reduction of the National Debt in respect to the Funds of Savings Banks, except in so far as the Powers now vested in the said Commissioners are varied by this Act, shall be held to continue vested in the said Commissioners.

CAP. XXVI.

An Act to facilitate the Drainage of Land in Ireland. —[8*th* June 1863.]

CAP. XXVII.

An Act to amend the Law relating to Marriages in Ireland.—[8*th* June 1863.]

CAP. XXVIII.

An Act to give further Facilities to the Holders of the Public Stocks.—[8*th* June 1863.]

WHEREAS it is expedient to give further Facilities to the Holders of the Public Stocks in respect of the Transfer thereof, and the Receipt of the Dividends thereon: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as the "Stock Certificate Act, 1863."

Definition of Terms.

II. In this Section and elsewhere in this Act the following Expressions have the Meanings here assigned to them:

"The Bank" shall, with reference to the Public Stocks transferable at the Bank of *England*, and Certificates issued under this Act in respect thereof, and the Coupons of such Certificates, mean the Governor and Company of the Bank of *England*, and shall, with reference to the Public Stocks transferable at the Bank of *Ireland*, and Certificates issued under this Act in respect thereof, and the Coupons of such last-mentioned Certificates, mean the Governor and Company of the Bank of *Ireland*:

"The Treasury" shall mean "the Commissioners of Her Majesty's Treasury, or any Two of them:"

"The Public Stocks" shall mean any Stocks forming Part of the National Debt, and transferable in the Books of the Bank, and "Share in the Public Stocks" shall include any Part of a Share:

"Person" shall include Corporation:

"Felony" shall mean and include Crime and Offence in *Scotland*.

Right to Certificate of Title to Stock.

III. With the Exception and subject to the Conditions hereinafter mentioned, every Person inscribed in the Books of the Bank of *England* or of the Bank of *Ireland* as Proprietor of a Share in the Public Stocks may obtain a Certificate or Certificates of Title to the said Share, or to any Part thereof, having annexed Coupons entitling the Bearer to the Dividends payable in respect of that Share or Part of a Share.

Restriction as to

IV. No Trustee of any Share in the said Stocks shall apply for

for or hold a Certificate of Title to that Share unless he is authorized so to do by the Terms of his Trust; and any Contravention of this Section by a Trustee shall be deemed to be a Breach of Trust, and be punishable accordingly; nevertheless this Section shall not impose on the Bank any Obligation to inquire whether a Person applying for a Certificate of Title under this Act is or not a Trustee, nor subject them to any Liability in the event of their granting a Certificate of Title to a Trustee, nor invalidate any Certificate of Title if granted. Trustees taking Certificates of Title.

V. No Certificate shall be granted in respect of any Sum of Stock not being Fifty Pounds, or a Multiple of Fifty Pounds, or in respect of any larger Amount than One thousand Pounds: General Provisions as to Certificates of Title.

The Treasury may by Warrant declare that any One or more of the Public Stocks specified in the Warrant shall be subject to the Provisions of this Act; but, until that Declaration is made, Stock Certificates shall be issued only in respect of the Three *per Centum* Consolidated Annuities, Reduced Three *per Centum* Annuities, and the New Three *per Centum* Annuities:

The Coupons annexed to a Stock Certificate shall comprise the Dividends payable in respect of the Stock described in the Certificate for a Period of not less than Five Years, commencing from the Date of the Certificate. At the Expiration of that Period fresh Coupons shall be issued for a further Period of not less than Five Years, and so for successive Periods of not less than Five Years during the Continuance in force of the Stock Certificate; but the Bank may, if they think fit, in lieu of issuing fresh Coupons in respect of a Certificate, give in exchange a fresh Certificate with Coupons attached thereto:

Coupons shall be payable at the chief Establishment of the Bank at the Expiration of Three clear Days from the Day of Presentation, and at any Branch Establishment of the Bank, situate more than Ten Miles from the chief Establishment, at the Expiration of Five clear Days from the Day of Presentation:

The Payment to the Bearer of any Coupon of the Amount expressed therein shall be a full Discharge to the Bank of all Liability in respect of that Coupon and the Dividend represented thereby:

If any Stock Certificate or Coupon issued under this Act is lost, or destroyed, the Bank shall grant a new Certificate or Coupon, on receiving Indemnity to their Satisfaction against the Claims of all Persons deriving Title under the Certificate or Coupon so lost or destroyed:

No Notice of any Trust in respect of any Stock Certificate or Coupon issued under this Act shall be receivable by the Bank.

VI. A stock Certificate, unless a Name is inscribed therein, as Distinction be-

tween Certificates of Title to Bearer and Nominal Certificates.

as herein-after provided, shall entitle the Bearer to the Stock therein described, and shall be transferable by Delivery:

The Bearer of a Stock Certificate may convert the same into a Nominal Certificate by inserting therein, in manner prescribed by any Regulation made in pursuance of this Act, the Name, Address, and Quality of some Person. A Stock Certificate when it becomes Nominal shall not be transferable, and the Person named therein (herein-after called the Nominee), or some Person deriving Title from him by Devolution in Law as herein-after mentioned, shall alone be recognized by the Bank as entitled to the Stock described in the Certificate:

Upon the Death of the Nominee in a Nominal Certificate his personal Representative, upon his Bankruptcy his Assignees, and upon the Marriage of any Female Nominee her Husband, shall alone be recognized by the Bank as entitled to the Stock described in the Certificate, and shall be deemed respectively to be a Nominee or Nominees in that Certificate:

The Death or Bankruptcy of any Nominee in a Nominal Certificate, or the Marriage of any Female Nominee, and the Loss or Destruction of any Certificate or Coupon, shall be proved in such Manner as may from Time to Time be directed by the Bank, with the Sanction of the Treasury.

Nominee in a Nominal Certificate not entitled to have it renewed as Nominal.

VII. The Nominee in a Nominal Stock Certificate shall not be entitled to have the same renewed as Nominal, but he shall, on Delivery up to the Bank of his Certificate, and of all unpaid Coupons belonging thereto, and on compliance with any Regulation made in pursuance of this Act, be entitled to receive in exchange from the Bank a Stock Certificate to Bearer:

The Nominee in a Nominal Stock Certificate, and the Bearer of a Stock Certificate to Bearer, may, on the like Delivery, and on compliance with any Regulation made in pursuance of this Act, require to be registered in the Books of the Bank as a Holder of the Stock described in the Certificates under which they respectively derive Title, and thereupon the Stock shall be re-entered in the Books kept by the Bank for the Entry of transferable Stock, and become transferable, and the Dividends payable as if no Certificate had been issued in respect of such Stock.

Fees in respect of Dealings with Stock under this Act.

VIII. No Fees shall be charged on the Grant of a Stock Certificate to Bearer, in exchange for a like Certificate, but there shall be charged with respect to the several other Proceedings in relation to Stock authorized by this Act the Fees specified in the Schedule hereto, or such less Fees as may be determined by the Treasury:

All Fees received in pursuance of this Act shall be paid into the Receipt of Her Majesty's Exchequer:

No

No Stamp Duty shall be payable in respect of any Certificate or Coupon issued in pursuance of this Act.

Remuneration to the Bank.

IX. There shall be paid to the Bank of *England* out of the Consolidated Fund, on account of the additional Trouble, Expense, and Responsibility, if any, imposed on it by this Act, in addition to the Remuneration otherwise payable to it in respect of the Management of the National Debt, such Remuneration as may be agreed upon between the Treasury and the Bank of *England*.

General Regulations with respect to Certificates of Title.

X. The Bank of *England* and the Bank of *Ireland*, with the Sanction of the Treasury, may from Time to Time issue any Forms that may be required for carrying into effect the Provisions of this Act, and also from Time to Time make any Regulations that are not inconsistent with this Act relative to the following Things:

1. The Time for which Coupons are to be given:
2. The Conversion of a Stock Certificate to Bearer into a Nominal Certificate:
3. The Authority under which and the Mode in which the Bank is to act in issuing Stock Certificates or exchanging Nominal Certificates for Certificates to Bearer, or registering in their Books the Holders of Stock Certificates, or taking any other Proceedings in relation to Stock authorized to be taken under this Act:
4. The Mode of proving the Title of or identifying any person applying for a Stock Certificate or deriving any Title under a Stock Certificate issued under this Act:
5. With respect to any other Matter necessary to carry this Act into effect:

And any Regulation so made shall be deemed to be Part of this Act, in the same Manner as if it were herein enacted.

Income Tax.

XI. The Income Tax shall be deducted from any Coupons payable under this Act in the same Manner and subject to the same Regulations in and subject to which it may, in pursuance of any Law for the Time being in force, be deducted from the Dividends payable at the Bank in respect of the Stock of Proprietors inscribed in the Books of the Bank.

Unclaimed Dividends.

XII. All Sums due and not demanded on any Coupons issued under this Act shall for all Purposes be dealt with as if they were Dividends due and not demanded in respect of the Stock of Proprietors inscribed in the Books of the Bank.

Provisions as to Public Stocks outstanding.

XIII. When any Certificate of Title issued under this Act in respect of any Share in the Public Stocks is outstanding, the Stock represented thereby shall cease to be transferable in the Books of the Bank:

Save in so far as relates to the Mode of Transfer and Payment

ment of Dividends thereon, any Stock described in a Stock Certificate issued under this Act shall be deemed to be charged on the same Securities, and to be subject to the same Powers of Redemption, and to the same Incidents in all respects, including the Remuneration payable to the Bank, as if it had continued registered in the Books of the Bank as Stock transferable therein:

Any Stock described in a Stock Certificate in respect of which no Coupons have been presented for Payment for a Period of Ten Years may in all respects be dealt with as if it were Stock upon which no Dividends had been demanded for a Period of Ten Years, and be transferred accordingly to the Commissioners for the Reduction of the National Debt, and shall be subject to the Rights of the Parties proving themselves entitled to such Stock in pursuance of the Act passed in the Fifty-sixth Year of the Reign of King *George* the Third, Chapter Sixty, or the Act passed in the Session held in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter Seventy-one; and the Provisions of those Acts and of all other Acts relating to Stock transferred to the aforesaid Commissioners shall apply to Stock in respect of which Certificates shall have been issued in pursuance of this Act.

Penalties on Persons committing Forgery.

XIV. Whosoever shall forge or alter, or offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Stock Certificate or Coupon or any Document purporting to be a Stock Certificate or Coupon issued in pursuance of this Act, or shall demand or endeavour to obtain or receive any Share or Interest of or in the Public Stocks, or to receive any Dividend or Money payable in respect thereof, by virtue of any such forged or altered Certificate or Coupon or Document purporting as aforesaid, knowing the same to be forged or altered, with Intent in any of the Cases aforesaid to defraud, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Penalties on Persons falsely personating Owners of Stock.

XV. Whosoever shall falsely and deceitfully personate any Owner of any Share or Interest of or in any of the Public Stocks, or of any Stock Certificate or Coupon issued in pursuance of this Act, and shall thereby obtain or endeavour to obtain any such Stock Certificate or Coupon, or receive or endeavour to receive any Money due to any such Owner, as if such Offender were the true and lawful Owner, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion

Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Penalties on Persons engraving Plates, &c.

XVI. Whosoever, without lawful Authority or Excuse, the Proof whereof shall lie on the Party accused, shall engrave or make, upon any Plate, Wood, Stone, or other Material, any Stock Certificate or Coupon purporting to be a Stock Certificate or Coupon issued or made under and in pursuance of this Act, or to be a blank Stock Certificate or Coupon issued or made as aforesaid, or to be a Part of such a Stock Certificate or Coupon, or shall use any such Plate, Wood, Stone, or other Material for the making or printing any such Stock Certificate or Coupon, or any such blank Stock Certificate or Coupon, or any Part thereof respectively, or knowingly have in his Custody or Possession any such Plate, Wood, Stone, or other Material, or shall knowingly offer, utter, dispose of, or put off, or have in his Custody or Possession, any Paper upon which any such blank Stock Certificate or Coupon, or Part of any such Stock Certificate or Coupon, shall be made or printed, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

SCHEDULE.

Schedule of Fees.

On the Issue of a Stock Certificate, a Fee not exceeding Five Shillings on every Hundred Pounds of Stock included in the Certificate, and a proportional Sum for any less Sum.

If the Applicant is the registered Holder of an Amount of Stock divisible into several Sums of Fifty Pounds or Multiples of Fifty Pounds, he may require such Sums of Fifty Pounds or such Multiples of Fifty Pounds to be distributed amongst different Certificates, as he thinks fit; subject to this Proviso, that if the Number of Certificates required by him exceed the Proportion of Five to a Thousand Pounds he shall, in respect of each Certificate constituting that Excess, pay a Sum of Sixpence in addition to the Percentage Fee.

On

On the Change of a Nominal Certificate for a Certificate to Bearer, or on the Registration in the Books of the Bank of the Stock included in a Nominal Certificate, there shall be charged a Fee not exceeding One-Half the Fee that would be chargeable on the Issue of a new Certificate to Bearer.

On the Registration in the Books of the Bank of the Stock included in a Stock Certificate to Bearer there shall be charged a Fee not exceeding Five Shillings.

CAP. XXIX.

An Act to amend and continue the Law relating to Corrupt Practices at Elections of Members of Parliament.—[8*th* June 1863.]

17 & 18 Vict. c. 102.

WHEREAS the "Corrupt Practices Prevention Act, 1854," as amended by an Act of the Session holden in the Twenty-first and Twenty-second Years of Her Majesty, Chapter Eighty-seven, is limited to continue in force until the First Day of *September* One thousand eight hundred and sixty-three, and from thence until the End of the next Session of Parliament; and it is expedient further to amend the said Acts and to continue the same in manner herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. The expression "the Corrupt Practices Prevention Acts" shall include this Act and the said Act of the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, and the Corrupt Practices Prevention Act, 1854, as amended by the said other Acts.

Expenses of Elections.

No Payment, &c. shall be made by or on behalf of Candidates.

II. No Payment (except in respect of the personal Expenses of a Candidate), and no Advance, Loan, or Deposit, shall be made by or on behalf of any Candidate at an Election, before, or during, or after such Election, on account of or in respect of such Election, otherwise than through an Agent or Agents whose Name

Name and Address or Names and Addresses have been declared in Writing to the Returning Officer on or before the Day of Nomination, or through an Agent or Agents to be appointed in his or their place as herein provided; and any Person making any such Payment, Advance, Loan, or Deposit otherwise than through such Agent or Agents, shall be guilty of a Misdemeanor, or in *Scotland* of an Offence punishable by Fine and Imprisonment. It shall be the Duty of the Returning Officer to publish, on or before the Day of Nomination, the Name and Address or the Names and Addresses of the Agent or Agents appointed in pursuance of this Section. otherwise than through authorized Agents.

In the event of the Death or legal Incapacity of any Agent appointed in pursuance of this Section, the Candidate shall forthwith appoint another Agent in his Place on giving Notice to the Returning Officer of the Name and Address of the Person so appointed, which shall be forthwith published by the Returning Officer.

III. All Persons who have any Bills, Charges, or Claims upon any Candidate for or in respect of any Election shall send in such Bills, Charges, or Claims within One Month from the Day of the Declaration of the Election to such Agent or Agents as aforesaid, otherwise such Persons shall be barred of their Right to recover such Claims and every or any Part thereof: Provided always, that in case of the Death within the said Month of any Person claiming the Amount of such Bill, Charge, or Claim, the legal Representative of such Person shall send in such Bill, Charge, or Claim within One Month after obtaining Probate or Letters of Administration, or Confirmation as Executor, as the Case may be, or the Right to recover such Claim shall be barred as aforesaid: Provided also, that such Bills, Charges, and Claims shall and may be sent in and delivered to the Candidate, if, and so long as, during the said Month, there shall, owing to Death or legal Incapacity, be no such Agent. Bills, &c. to be sent in within One Month to Agent, or Right to recover barred.

IV. A detailed Statement of all Election Expenses incurred by or on behalf of any Candidate, including such excepted Payments as aforesaid, shall, within Two Months after the Election, (or in Cases where by reason of the Death of the Creditor no Bill has been sent in within such Period of Two Months, then within One Month after such Bill has been sent in,) be made out and signed by the Agent or, if there be more than One, by every Agent who has paid the same (including the Candidate in case of Payments made by him), and delivered, with the Bills and Vouchers relative thereto, to the Returning Officer, and the Returning Officer for the Time being shall, at the Expense of the Candidate, within Fourteen Days, insert or cause to be inserted As to Publication of Statement of Election Expenses.

inserted an Abstract of such Statement, with the Signature of the Agent thereto, in some Newspaper published or circulating in the County or Place where the Election was held; and any Agent or Candidate who makes default in delivering to the Returning Officer the Statement required by this Section shall incur a Penalty not exceeding Five Pounds for every Day during which he so makes default; and any Agent or Candidate who wilfully furnishes to the said Returning Officer an untrue Statement shall be guilty of a Misdemeanor, or in *Scotland* of an Offence punishable by fine and Imprisonment; and the said Returning Officer shall preserve all such Bills and Vouchers, and during Six Months after they have been delivered to him permit any Voter to inspect the same, on Payment of a Fee of One Shilling.

Legal Proceedings.

Sect. 14 of 17 & 18 Vict. c. 102. extended to Misdemeanors, &c.

V. The Provisions of the Fourteenth Section of the Corrupt Practices Prevention Act, 1854, shall extend to a Misdemeanor or to any other Offence under the Corrupt Practices Prevention Acts not punishable by a Penalty or Forfeiture, as well as to Proceedings for any Offence punishable by a Penalty or Forfeiture.

General Allegations sufficient in Indictments.

VI. In any Indictment or Information for Bribery or undue Influence, and in any Action or Proceeding for any Penalty for Bribery, Treating, or undue Influence, it shall be sufficient to allege that the Defendant was at the Election at or in connexion with which the Offence is intended to be alleged to have been committed guilty of Bribery, Treating, or undue Influence (as the Case may require); and in any Criminal or Civil Proceedings in relation to any such Offence the Certificate of the Returning Officer in this Behalf shall be sufficient Evidence of the due holding of the Election, and of any Person therein named having been a Candidate thereat.

Evidence of Witness on Election Committee and before Commissions.

VII. No Person who is called as a Witness before any Election Committee, or any Commissioners appointed in pursuance of the Act of the Session holden in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, Chapter Fifty-seven, shall be excused from answering any Question relating to any corrupt Practice at, or connected with, any Election forming the Subject of Inquiry by such Committee or Commissioners, on the Ground that the Answer thereto may criminate or tend to criminate himself: Provided always, that where any Witness shall answer every Question relating to the Matters aforesaid which he shall be required by such Committee or Commissioners (as the Case may be) to answer, and the Answer

Answer to which may criminate, or tend to criminate him, he shall be entitled to receive from the Committee, under the Hand of their Clerk, or from the Commissioners, under their Hands (as the Case may be), a Certificate stating that such Witness was, upon his Examination, required by the said Committee or Commissioners to answer Questions or a Question relating to the Matters aforesaid, the Answers or Answer to which criminated or tended to criminate him, and had answered all such Questions or such Question; and if any Information, Indictment, or Action be at any Time thereafter pending in any Court against such Witness for any Offence under the Corrupt Practices Prevention Acts, or for which he might have been prosecuted or proceeded against under such Acts, committed by him previously to the Time of his giving his Evidence, and at or in relation to the Election concerning or in relation to which the Witness may have been so examined, the Court shall, on Production and Proof of such Certificate, stay the Proceedings in such last-mentioned Information, Indictment, or Action, and may, at its Discretion, award to such Witness such Costs as he may have been put to in such Information, Indictment, or Action: Provided that no Statement made by any Person in answer to any Question put by or before such Election Committee or Commissioners shall, except in Cases of Indictments for Perjury, be admissible in Evidence in any Proceeding, Civil or Criminal.

Election Committees.

Regulations as to Proceedings of Election Committees.

VIII. The following Regulations shall be made with respect to the Proceedings of Select Committees appointed to try Election Petitions:

1. On any Charge of Treating being brought before any Election Committee, it shall not be necessary, unless the Committee should otherwise decide, to prove Agency in the first instance before giving in Evidence the Facts whereby the Charge of Treating is to be sustained:
2. Where any Person who has voted at any Election is found by any Committee to have been guilty of Bribery or Treating at such Election, his Vote shall be void, and may, upon a Scrutiny, be struck off the List of Voters, notwithstanding that the Name of such guilty Person has not been included in the list of Voters to be objected to:
3. Where any Election Petition complains that Bribery, Treating, or other Corrupt Practices have been committed at any Election, the Committee to whose Determination

ation such Petition is referred shall report to the House of Commons whether or not Corrupt Practices have, or whether there is reason to believe Corrupt Practices have, extensively prevailed at such Election in the Place to which the Petition refers.

Prosecutions for Bribery.

IX. Where an Election Committee has reported to the House of Commons that certain Persons named by them have been guilty of Bribery or Treating, and where it appears by the Report of any Commission of Inquiry into Corrupt Practices at any Election made to Her Majesty and laid before Parliament that certain Persons named by them have been guilty of the Offences of Bribery or Treating, and have not been furnished by them with Certificates of Indemnity, such Report, with the Evidence taken by the Commission, shall be laid before the Attorney General, with a view to his instituting a Prosecution against such Persons if the Evidence should, in his Opinion, be sufficient to support a Prosecution.

Repeal.

Acts as mentioned in Col. 3 of Schedule repealed.

X. There shall be repealed the several Acts of Parliament mentioned in the Schedule hereto to the Extent specified in the Third Column of the said Schedule, but such Repeal shall not affect the Punishment of any Offence or the Recovery of any Penalty or Forfeiture incurred under any of the Provisions hereby repealed.

Continuance of Corrupt Practices Prevention Acts.

XI. The Corrupt Practices Prevention Acts shall continue in force for a Period of Five Years from the Date of the passing of this Act, and from thenceforth until the end of the then next Session of Parliament.

The

The SCHEDULE.

Date of Act.	Title of Act.	Extent of Repeal.
15 & 16 Vict. c. 57. A.D. 1852.	An Act to provide for more effectual Inquiry into the Existence of Corrupt Practices at Elections for Members to serve in Parliament.	Sections 9 and 10.
17 & 18 Vict. c. 102. A.D. 1854.	An Act to consolidate and amend the Laws relating to Bribery, Treating, and undue Influence at Elections of Members of Parliament.	Sections 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 34.
21 & 22 Vict. c. 87. A.D. 1858.	An Act to continue and amend the Corrupt Practices Prevention Act, 1854.	So much of Section (1) as provides that a full, true, and particular Account of all Payments made for such Conveyance, signed by the Candidate or his Agents, shall be delivered to the Election Auditor, with the Names and Addresses of the Persons to whom such Payments have been made, and the Amount of such Account shall be included in the General Account of the Expenses incurred at any Election to be made out and kept by such Election Auditor. And Sections 2, 4.

CAP. XXX.

An Act to authorize further Harbour Regulations for the Protection of Her Majesty's Ships, Dockyards, and Naval Stations.—[22*d* June 1863.]

CAP. XXXI.

An Act for the Government of the Cayman Islands.—[22*d* June 1863.]

CAP. XXXII.

An Act to confirm certain Provisional Orders under the Local Government Act (1858) *relating to the Districts of* Basford, Teignmouth, Kingston-upon-Hull, Nottingham, Bradford, Ryde, Bedford, Croydon, Batley, Berwick-upon-Tweed, Sheerness, *and* Bromsgrove.—[29*th* June 1863.]

CAP. XXXIII.

An Act for granting to Her Majesty certain Duties of Inland Revenue; and to amend the Laws relating to the Inland Revenue.—[29*th* June 1863.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's Public Expenses, and making an Addition to the Public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several Rates and Duties herein-after mentioned, and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal,

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Licensed Beer Dealers may take out additional Licence to sell Beer by Retail not to be consumed on the Premises.

I. From and after the passing of this Act any Person who, in *England* or *Ireland*, shall have taken out an Excise Licence to sell strong Beer in Casks containing not less than Four and a Half Gallons or in not less than Two Dozen reputed Quart Bottles at One Time, to be drunk or consumed elsewhere than on his Premises, may take out an additional Licence on Payment of the Excise Duty of One Pound One Shilling, and Five *per Cent.* thereon; and the same shall authorize such Person to sell Beer in any less Quantity and in any other Manner than as aforesaid, but not to be drunk or consumed on the Premises where sold; and such additional Licence shall be granted without the Production of any Certificate or the Possession of any other Qualification than the Licence herein first mentioned.

Duty on Retail Beer Licences taken out by Licensed Victuallers who do not sell Spirits.

II. From and after the Tenth Day of *October* One thousand eight hundred and sixty-three there shall be charged and paid for and upon every Excise Licence to be taken out by any Person who in *England* or *Ireland* shall be duly authorized by Justices of the Peace to keep a Common Inn, Alehouse, or Victualling House, and who shall sell Beer, Cider, or Perry by Retail, to be drunk or consumed in his, her, or their House or Premises, and who shall not take out a Licence to retail Spirits, the Excise Duty of Three Pounds Three Shillings, and Five *per Cent.* thereon, in lieu of the Duty now payable on such Licence to retail Beer.

Penalty on Persons selling Beer by Retail in Ireland without Licence.

III. Every Person who shall in *Ireland* sell Beer, Cider, or Perry by Retail, that is to say, in any Quantity less than Four and a Half Gallons or in less than Two Dozen reputed Quart Bottles at One Time, without having an Excise Retail Licence in force authorizing him so to do, shall for every such Offence forfeit the Sum of Twenty Pounds, which said Penalty may be sued for and recovered under the Laws of Excise, by and in the Name of any Superintendent or Inspector of Police within the Police District of *Dublin* Metropolis, or by any Sub-Inspector, Head or other Constable, in any other Part of *Ireland*, without any Order of the Commissioners of Inland Revenue for that Purpose, as well as by and in the Name of an Officer of Excise, under the order of the said Commissioners.

Excise Duty on Sugar made in United Kingdom continued to 1st August 1864.

IV. The Duties of Excise on Sugar made in the United Kingdom, specified in Schedule (B.) of the Act passed in the Twentieth and Twenty-first Years of Her Majesty's Reign, Chapter Sixty-one, shall be continued, and be levied and charged until the First Day of *August* One thousand eight hundred and sixty-four.

V. And whereas by an Act passed in the Nineteenth and Twentieth

Charging of Excise Duty on Sugar used in brewing, deferred until 1st August 1864.

Twentieth Years of Her Majesty's Reign, Chapter Thirty-four, a Duty of Excise was imposed on Sugar used in the brewing or making of Beer, and by an Act passed in the Twenty-fifth and Twenty-sixth Years of Her Majesty's Reign, Chapter Twenty-two, the charging of the said Duty was deferred until the First Day of *July* One thousand eight hundred and sixty-three, and it is expedient to further defer the same: Be it enacted, That the charging of the said Duty of Excise on Sugar used as aforesaid shall be further deferred until the First Day of *August* One thousand eight hundred and sixty-four.

Duty on Stage Carriages licensed to carry not more than Eight Persons reduced.

VI. From and after the passing of this Act the Duties now payable by Law for and in respect of the Licences and Stage Carriages hereinafter in this Clause described shall be reduced; and in lieu of the said Duties now payable as aforesaid there shall be charged and paid in *Great Britain* for and in respect of every original Licence, to be taken out yearly, to keep, use, or employ a Stage Carriage which shall be licensed to carry not more than Eight Passengers at one time, the duty of Ten Shillings; and for and in respect of every Supplementary Licence for the same Carriage which shall be taken out in any case allowed by Law during the Period for which such original Licence was granted, the duty of Sixpence;

And for and in respect of every Mile which any such Stage Carriage as aforesaid shall be licensed to travel, the Duty of One Halfpenny.

Penalty on Persons keeping a Stage Carriage carrying a greater number of Passengers than allowed by Licence.

VII. If any Person who shall have obtained a Licence under this Act to keep, use, and employ a Stage Carriage to carry not more than Eight Passengers at one time shall carry or convey in or upon such Carriage more than Eight Passengers at One Time, he shall for every such Offence forfeit the sum of Ten Pounds; and every Person who shall be carried or conveyed in or upon any such Carriage (except the Driver thereof) shall be deemed to be a Passenger conveyed for Hire at a separate Fare.

Occasional Licences may be granted for Carriages conveying Passengers at separate Fares.

VIII. It shall be lawful for the Commissioners of Inland Revenue, whenever they shall deem it to be necessary for the Accommodation of the Public, to grant to any Person an occasional Licence to use a Carriage for the Conveyance of Passengers at separate Fares for One Day, or for any longer Period not exceeding Six Days in the whole, on Payment of the following Duties for and in respect of such Licence; (that is to say,)

For a Licence for One Day only:	£	s.	d.
For a Carriage drawn by One Horse only -	0	3	0
For a Carriage drawn by Two Horses and no more - - - - - - - -	0	5	0
For a Carriage drawn by more than Two Horses - - - - - - -	0	10	0

And

And where any such Licence shall be granted for a longer Period than One Day there shall be charged and paid for the same the further Duty of One Half of the before-mentioned Rates respectively for every Day after the first, in addition to the Rate payable for One Day.

Such occasional Licences to be granted, and the Carriages used under such Regulations as the Commissioners may prescribe.

IX. Every such occasional Licence to use a Carriage for the Purpose aforesaid shall be granted under and subject to such Conditions, Rules, and Regulations as the Commissioners of Inland Revenue shall prescribe in that Behalf, and the Carriage for which such Licence shall be granted shall be designated in such Manner as the said Commissioners shall require or direct; and in default of complying with any such Rule, Regulation, or Direction the Person to whom such Licence shall be granted shall forfeit the Sum of Ten Pounds.

Stage Carriage Licences to expire on the First Sunday in November in each Year.

X. Whereas by the Law in force Licences to keep, use, and employ Stage Carriages expire on the first *Sunday* in the Month of *October* in each Year, and it is expedient to alter the Time of the Expiration thereof: Be it enacted, That all such Licences taken out after the passing of this Act shall (except in the Cases herein-after provided for) expire on the First *Sunday* in the Month of *November* in each Year; and every Licence which shall be taken out after the First *Sunday* in the Month of *November* in any Year, and before the First Day of *December* in the same Year, shall be dated on the First *Monday* in *November* in the Year in which the same shall be granted; and if taken out on or at any Time after the First Day of *December* in any Year, shall be dated on the Day when the same shall be granted; and every Licence to use a Stage Carriage in force at the Time of the passing of this Act shall continue in force until the First *Sunday* in the Month of *November* next after the passing hereof, and the Holder of such Licence shall be liable to and chargeable with the Payment of the same Rate and Amount of Duties as are chargeable upon him according to the Terms of such Licence until the said First *Sunday* in the last-mentioned Month of *November*, unless such Licence shall be sooner discontinued.

Stage Carriage Licences may be taken out for One Quarter of a Year.

XI. Provided always, That it shall be lawful for any Person to take out a Licence to keep, use, and employ a Stage Carriage for the Conveyance of Passengers at separate Fares for the Period of Three Months only, commencing on any of the several Quarter Days following, (that is to say,) the First Day of *April*, the First Day of *July*, the First Day of *October*, and the First Day of *January* in any Year, paying for such Licence One Fourth Part of the Duty which would be payable for the granting of such Licence for One whole Year; provided also, that nothing in this Act contained shall extend or be construed to repeal

Not to supersede Sect. 17.

of 6 G. 4. c. 81. as to granting Licences for the Remainder of a current Year.

repeal or supersede the Provisions of the Seventeenth Section of the Act passed in the Sixth Year of King *George* the Fourth, Chapter Eighty-one, authorizing the granting of Excise Licences for the Remainder of a current Year, but that such Provisions shall be deemed to apply and shall be observed with regard to Stage Carriage Licences for the Remainder of any Year ending on the First *Sunday* in *November;* and the several Quarters corresponding with the Termination of such Year shall be deemed to consist of Ninety-one Days.

Stage Carriage Licences may be transferred when the original Holder discontinues Business during the Currency of the Licence.

XII. When any Person to whom any Licence shall have been granted for or in respect of any Stage Carriage shall discontinue the Business in relation to such Stage Carriage, it shall be lawful for the proper Officer or Officers of Excise, upon Payment of all Duty in arrear due from the Person to whom the Licence was granted, to transfer such Licence to any other Person to whom the original Holder thereof shall assign his Interest therein; and the Person to whom such Licence shall be so transferred shall thereupon be liable to and chargeable with the Payment of the Duty which shall accrue or become payable under such Licence, or in respect of the Stage Carriage to which the same shall relate, and shall also be liable to all other the Provisions and Regulations contained in any Act relating to Stage Carriages in the same Manner as if such last-mentioned Person had duly obtained a Licence in his own Name for the keeping, using, and employing of such Stage Carriage: Provided always, that the original Holder of such Licence shall indorse in Writing upon the Back thereof the Name of the Person to whom he assigns his Interest therein, and shall sign his own Name to such Indorsement.

Accounts of Sums received for the Conveyance of Passengers upon Railways to be made up at the Close of each Calendar Month.

XIII. Whereas by the Fourth Section of the Act passed in the Fifth and Sixth Years of Her Majesty's Reign, Chapter Seventy-nine, the Proprietor or Company of Proprietors of every Railway in *Great Britain*, and other Persons therein named, are required to keep and render certain Accounts as therein mentioned, and it is expedient to alter the Period for which such Accounts are directed to be made up, and the Time of delivering the same: Be it enacted, That the Proprietor or Company of Proprietors of every Railway in *Great Britain*, and the Persons required by Law to keep such Accounts as aforesaid, shall deliver to the Commissioners of Inland Revenue or to the proper Officer appointed for receiving the same, within Twenty Days after the Termination of every Calendar Month, a true Copy or true Copies of the Accounts of all Sums of Money received or charged and paid or accounted for, as in the said Act is mentioned, during the whole of the Calendar Month last preceding; and all the Provisions and Regulations contained in the

the said Act with regard to the Accounts therein directed to be rendered, and all Bonds and Securities entered into or given or to be entered into or given with relation thereto, shall apply, continue, and be in force as well with respect to any Surety as to the Principal in any such Bond, and to the Accounts to be kept and rendered at the Time and in the Manner by this Act directed, and the Duties payable in respect thereof.

Restriction on Exemption from Duty on Railway Passengers granted by Sect. 9 of 7 & 8 Vict. c. 85.

XIV. The Exemption from Duty granted by the Ninth Section of the Act passed in the Seventh and Eighth Years of Her Majesty's Reign, Chapter Eighty-five, in respect of the Conveyance of Passengers by Cheap Trains shall not extend to any Railway Train which shall not be a Train running on at least Six Days of the Week, or else a Train running to or from a Market Town on a Market Day, and approved of by the Lords of the Committee of Privy Council for Trade and Plantations as a Cheap Train for the Conveyance of Passengers to or from Market, or a Train approved by the said Lords of the Committee of Privy Council as an Ordinary Train of the Railway travelling on *Sunday*, and conveying Third-class Passengers at Fares not exceeding One Penny *per* Mile.

Authority to exercise several Trades may be contained in One Excise Licence.

XV. Whereas under the Laws of Excise now in force separate and distinct Licences are granted to the same Person to exercise several Trades in the same House and Premises, and it is expedient that the Authority to exercise Two or more of such Trades should be combined in One Licence: Be it enacted, That whenever any Person shall intend to carry on Two or more Trades under the Excise Laws in the same House or Premises the Licences for which several Trades would expire by Law at the same Time, it shall be lawful for the Commissioners of Inland Revenue, in such Cases as they shall think fit, to authorize the exercising of the said several Trades by One Licence for that Purpose on Payment of the Amount of the several Duties chargeable for several Licences to exercise the same Trades respectively.

Penalty for giving more than One Shipping Notice for the same Goods exported and for claiming Drawback more than once.

XVI. If any Person who shall have given Notice of his Intention to ship any Goods or Commodities for Exportation on Drawback shall give another such Notice in respect of the same Goods or Commodities, or shall claim the Drawback upon the same Goods and Commodities more than once, or shall pass any Account or do any Act for the Purpose of obtaining any further or greater Amount of Drawback upon any such Goods or Commodities than the Drawback payable by Law thereon, or whereby or by means or colour whereof any such further or greater Amount of Drawback than as aforesaid may be obtained or claimed, he shall forfeit for every such Offence the Sum of One hundred Pounds, and treble the Amount of the Drawback unlawfully

lawfully obtained or claimed, or which might be obtained or claimed by means or under colour of any such unlawful Act as aforesaid.

Goods shipped for Exportation on Drawback not to be brought on shore, or the Packages opened or Marks thereon altered.

XVII. If any Goods or Commodities upon the Exportation of which a Drawback of Excise is payable shall after the same shall have been shipped on board any Vessel for Exportation be brought on shore, or if the Package or Packages in which any such Goods or Commodities shall be contained shall, after Shipment thereof as aforesaid, be opened, or the Marks, Letters, or Devices thereon be cancelled, obliterated, or altered without the Sanction of the Commissioners of Inland Revenue first had and obtained, all such Goods and Commodities and the Packages containing the same shall be forfeited, and may be seized by any Officer of Customs or Excise, and the Person or Persons who shall bring on shore such Goods or Commodities, or who shall open such Packages, or cancel, obliterate, or alter the Marks, Letters, or Devices thereon, or who shall be concerned in doing any of the said Acts, shall forfeit the Sum of One hundred Pounds.

Licences granted to Refreshment House Keepers to retail Foreign Wine to include the Sale of Sweets and Made Wines.

XVIII. Every Licence taken out under the Provisions contained in the Two several Acts passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter Twenty-seven and Chapter One hundred and seven respectively, by a licensed Keeper of a Refreshment House, to sell therein by Retail Foreign Wine, to be consumed in such House or on the Premises belonging thereto, shall authorize and include the Sale of Sweets and Made Wines, Mead, and Metheglin, by Retail, to be consumed in the said House or on the said Premises.

Alteration of Duty on a Victualler's occasional Licence.

XIX. In lieu of the Duty now chargeable on a Victualler's occasional Licence, specified in Schedule (B.) of the Act passed in the Twenty-fifth and Twenty-sixth Years of Her Majesty's Reign, Chapter Twenty-two, there shall be charged and paid the following Duty; (that is to say,)

For and upon every occasional Licence to be granted to any Person who shall be duly authorized to keep a common Inn, Alehouse, or Victualling House, and licensed to sell therein Beer, Spirits, Wine, or Tobacco, to sell the like Articles for which he shall be so licensed at any such other Place, and for and during such Space or Period of Time not exceeding Six Days as shall be specified in such occasional Licence, the Sum of Two Shillings and Sixpence for every day so specified as aforesaid for which the same shall be granted:

Provided always, that when any Person shall have taken out such an occasional Licence for Six successive Days, and shall desire to take out another occasional Licence for a Time in immediate Succession, or only separated by the Intervention of Sundays

Sundays and Holidays, then the Duty chargeable for every Licence after the First, and for any number of Days not exceeding Six, shall not exceed Ten Shillings.

Alteration of the Law relating to occasional Licences.

XX. Whereas it is expedient to alter and amend the Conditions and Restrictions upon and under which occasional Licences to sell Beer, Spirits, or Wine may be granted and used, as provided by the Thirteenth Section of the Act passed in the Twenty-fifth and Twenty-sixth Years of Her Majesty's Reign, Chapter Twenty-two: Be it enacted as follows:

1. That the Consent of One Justice of the Peace, as in the said Section mentioned, only, shall be necessary:
2. That the Hours during which such occasional Licence shall authorize the Sale of any Beer, Spirits, or Wine shall extend from Sunrise to One Hour after Sunset:
3. That upon the occasion of any public Dinner or Ball it shall be lawful for the Person who shall have obtained an occasional Licence under the Provisions of the said Act to sell the said Liquors during such Hours before or after Sunrise or Sunset as shall be allowed and specified in that Behalf in the Consent to be given by the Justice of the Peace for the granting of such occasional Licence.

Section 12 of 25 & 26 Vict. c. 22. not to prohibit Persons licensed by the Excise from selling Beer, Spirits, or Wine at Fairs or Races.

XXI. Whereas by the Twelfth Section of the Act passed in the last Session of Parliament, Chapter Twenty-two, so much of any Act as permits the Sale of Beer, Spirits, or Wine at Fairs or Races without an Excise Licence was repealed: Be it enacted, That from and after the passing of this Act nothing in the last-recited Enactment contained shall extend to prohibit any Person duly licensed by the Excise to retail Beer, Spirits, or Wine, as in the Eleventh Section of the Act passed in the Sixth Year of King *George* the Fourth, Chapter Eighty-one, is mentioned, from carrying on his Trade or Business for which he shall be so licensed in Booths, Tents, or other Places at the Time and Place and within the Limits of holding any lawful and accustomed Fair by virtue of any Law or Statute in that Behalf, or any public Races, in like Manner as such Person might lawfully have done under the said last-mentioned Act if the said Act of the last Session of Parliament had not been passed.

Union Assessment Committee not to require the Production of Documents relating to the Assessment of the Income

XXII. Whereas the Assessment Committee provided for by "The County Rates Assessment Act," Section Fifty-two, and by "The Union Assessment Committee Act, 1862," respectively, are thereby empowered to require Assessors, Collectors, and other Persons therein mentioned to make and transmit Copies of or Extracts from the Books of Assessment of any Taxes or Rates in their Custody, and to produce such Books as therein mentioned: Be it enacted, That nothing in the said Act contained shall extend to authorize or empower the said Committee

Tax on Concerns in the Nature of Trade.

tee to require any Assessor, Collector, or other Person employed in the Assessment or Collection of the Income Tax to make or transmit or to permit any other Person to make Copies of or Extracts from any Assessment, Rate, or Rate Book, or any Document relating to the Assessment or Collection of the Income Tax upon Profits of Trade for or in respect of any Quarries, Mines, Ironworks, Gasworks, or other Concerns in the Nature of Trade or Manufacture chargeable under Schedule (A.) of the Income Tax Acts, or to attend before the said Committee to produce any such Assessment, Rate, or Rate Book, or other such Document as aforesaid, or to be examined by or before such Committee touching or concerning the same.

Commissioners of Taxes for any Division of a County may hold their Meetings within an adjoining City or other Place of exclusive Jurisdiction.

XXIII. It shall be lawful for the Commissioners acting in execution of the Acts relating to the Land Tax, the Assessed Taxes, and the Income Tax respectively, for any District or Division of a County, to sit and hold their Meetings, and do any Act in execution of the said Acts respectively as such Commissioners as aforesaid, at any Place within any City, Town, or other Precinct, being a County of itself, or otherwise having exclusive Jurisdiction, and situated within, surrounded by, or adjoining to their respective Districts or Divisions; and all such Acts, Matters, and Things to be so done by such Commissioners, within such City, Town, or Precinct, as Commissioners acting for such District or Division, shall be as valid and effectual in Law as if the same had been done within such District or Division.

Income Tax to be deducted from Coupons on Stock Certificates, although the half-yearly Payment is under Fifty Shillings.

XXIV. And whereas by an Act passed in the present Session of Parliament, intituled *An Act to give further Facilities to the Holders of the Public Stocks*, Certificates of Title to Shares in the Public Stocks are authorized to be issued having annexed Coupons entitling the Bearer to the Dividends payable in respect thereof, and by Section Eleven of the same Act it is enacted that the Income Tax shall be deducted from any Coupons payable under the said Act in like Manner as it may be deducted from the Dividends payable at the Bank in respect of the Stock of Proprietors inscribed in the Books of the Bank: Be it enacted, That the Income Tax shall be deducted from any such Coupons as aforesaid, although the half-yearly Payment thereon shall not amount to Fifty Shillings, anything in any former Act to the contrary notwithstanding.

Innkeeper's Tobacco Licences to expire on the 10th of October.

XXV. Whereas by the Law in force Licences to deal in or sell Tobacco or Snuff expire on the Fifth Day of *July* in each Year, and it is expedient to alter the Time of the Expiration of such Licences taken out for the Sale of Tobacco or Snuff in Inns or Houses licensed for the Sale of Beer by Retail to be consumed upon the Premises: Be it enacted, That all such Licences

Licences aforesaid taken out by Innkeepers or Persons licensed to sell Beer to be consumed upon the Premises after the Fifth Day of *July* next after the passing of this Act, and before the Eleventh Day of *October* One thousand eight hundred and sixty-four, shall be and continue in force until the said last-mentioned Day; and all such Licences which shall be taken out on or after the said last-mentioned Day shall expire on the Tenth Day of *October* next after the granting thereof; and every such Licence as aforesaid which shall be in force at the Time of the passing of this Act, or which shall be taken out on or before the said Fifth Day of *July*, shall continue in force until the Eleventh Day of *October* next after the passing hereof; and in respect of every such Licence as aforesaid which shall be in force between the Fifth Day of *July* and the Eleventh Day of *October* next after the passing of this Act there shall be charged and paid in respect of the said last-mentioned Period, and in addition to the Duty paid or payable thereon, the Duty for one Quarter of a Year, and such additional Duty shall be recoverable in like Manner as any other Duty of Excise.

Provisions of former Acts to apply to this Act.

XXVI. All the Powers, Provisions, Clauses, Regulations, Forfeitures, Pains, and Penalties contained in or imposed by any Act or Acts relating to any Duties of the same Kind or Description as the several Rates or Duties granted by this Act respectively, and in force at the Time of the passing of this Act, and not hereby expressly repealed, shall respectively be in full Force and Effect with respect to the said Rates and Duties by this Act granted respectively, so far as the same are or shall be applicable, in all Cases not hereby expressly provided for, and shall be observed, applied, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said last-mentioned Rates and Duties, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted, *mutatis mutandis*, with reference to the Rates and Duties by this Act granted respectively.

CAP. XXXIV.

An Act to carry into effect an additional Article to the Treaty of the Seventh Day of April *One thousand eight hundred and sixty-two, between Her Majesty and*

and the United States of America, *for the Suppression of the* African *Slave Trade.*—[29*th* June 1863.]

CAP. XXXV.

An Act for the Prevention and Punishment of Offences committed by Her Majesty's Subjects in South Africa. —[29*th* June 1863.]

CAP. XXXVI.

An Act for carrying into effect the Report of the Commissioners appointed to inquire into the State of the Dioceses of Canterbury, London, Winchester, *and* Rochester ; *and for other Purposes.*—[29*th* June 1863.]

CAP. XXXVII.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain *and* Ireland ; *to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant-Surgeons, and Surgeons Mates of the Militia, and to authorize the Employment of the Non-commissioned Officers.*—[29*th* June 1863.]

CAP. XXXVIII.

An Act to amend the Act for placing the Employment of Women, young Persons, and Children in Bleaching

ing Works and Dyeing Works under the Regulations of the Factories Acts.—[29*th* June 1863.]

WHEREAS it is expedient that the Employment of Women, young Persons, and Children in Calendering Works and Finishing Works should be regulated in the same Manner as their Employment is regulated in Bleaching Works and Dyeing Works by the Provisions of the Act of the Twenty-third and Twenty-fourth Years of *Victoria*, Chapter Seventy-eight: And whereas such was the Intention of Parliament in passing that Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same: 23 & 24 Vict. c. 78.

Meaning of the Words "Bleaching Works" and "Dyeing Works" in recited Act.

I. That the Words "Bleaching Works" and "Dyeing Works" in the said recited Act shall be further understood to mean any Building, Buildings, or Premises in which Females, young Persons, and Children are employed, and in any Part of which Buildings or Premises any Process previous to packing is carried on in the Occupation of calendering or finishing of any Yarn, or Cloth of Cotton, Wool, Silk, or Flax, or any of them, or any Mixture of them, or any Yarn or Cloth of any other Material or Materials, or in any Process incident to such calendering or finishing, and in One or more of which Processes Steam, Water, or other mechanical Power is used or employed: Provided always, that nothing in this Act contained shall extend to any Building, Buildings, or Premises defined to be a "Factory" by the Act of the Seventh Year of Her present Majesty, intituled *An Act to amend the Laws relating to Labour in Factories.*

Not to extend to Buildings defined by 7 and 8 Vict. c. 15.

CAP. XXXIX.

An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners.—[13*th* July 1863.]

CAP. XL.

An Act for the Regulation of Bakehouses.—[13*th* July 1863.]

WHEREAS it is expedient to limit the Hours of Labour of young Persons employed in Bakehouses, and to make Regulations with respect to Cleanliness and Ventilation in Bakehouses: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited as "The Bakehouse Regulation Act, 1863."

Interpretation of Terms.

II. For the Purposes of this Act the Words herein-after mentioned shall be construed as follows; that is to say,

"Local Authority" shall, as respects any Place, mean the Persons or Bodies of Persons defined to be the Local Authority in that Place by the One hundred and thirty-fourth Section of the Act passed in the Session holden in the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter One hundred and twenty, or by the Nuisances Removal Acts herein-after mentioned; that is to say, as to *England*, by the Act passed in the Session holden in the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter One hundred and twenty-one, as amended by the Act passed in the Session holden in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter Seventy-seven; as to *Scotland*, by the Act passed in the Session holden in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, Chapter One hundred and three; and as to *Ireland*, by the Acts passed, the one in the Session holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and twenty-three, and the other in the Session holden in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, Chapter One hundred and eleven:

"Bakehouse" shall mean any Place in which are baked Bread, Biscuits, or Confectionery, from the baking or selling of which a profit is derived:

"Employed," as applied to any Person, shall include any Person working in a Bakehouse, whether he receives Wages or not:

"Occupier"

"Occupier" shall include any person in possession:

"The Court" shall include any Justice or Justices, Sheriff or Sheriff Substitute, Magistrate or Magistrates, to whom Jurisdiction is given by this Act.

Limitation of Hours of Labour of Persons under 18 Years of Age.

III. No Person under the Age of Eighteen Years shall be employed in any Bakehouse between the Hours of Nine of the Clock at Night and Five of the Clock in the Morning.

If any Person is employed in contravention of this Section the Occupier of the Bakehouse in which he is employed shall incur the following Penalties in respect of each Person so employed; that is to say,

For the First Offence, a Sum not exceeding Two Pounds:

For a Second Offence, a Sum not exceeding Five Pounds:

For a Third and every subsequent Offence, a Sum not exceeding One Pound for each Day of the Continuance of the Employment in contravention of this Act, so that no greater Penalty be imposed than Ten Pounds.

Regulations as to Cleanliness of Bakehouse.

IV. The inside Walls and Ceiling or Top of every Bakehouse situate in any City, Town, or Place containing according to the last Census a Population of more than Five thousand Persons, and the Passages and Staircase leading thereto, shall either be painted with Oil or be limewashed, or partly painted and partly limewashed: Where painted with Oil there shall be Three Coats of Paint, and the painting shall be renewed once at least in every Seven Years, and shall be washed with hot Water and Soap once at least in every Six Months: Where limewashed the limewashing shall be renewed once at least in every Six Months.

Every Bakehouse wherever situate shall be kept in a cleanly State, and shall be provided with proper Means for effectual Ventilation, and be free from Effluvia arising from any Drain, Privy, or other Nuisance.

If the Occupier of any Bakehouse fails to keep the same in conformity with this Section he shall be deemed to be guilty of an Offence against this Act, and to be subject in respect of such Offence to a Penalty not exceeding Five Pounds.

The Court having Jurisdiction under this Act may, in addition to or instead of inflicting any Penalty in respect of an Offence under this Section, make an Order directing that within a certain Time to be named in such Order certain Means are to be adopted by the Occupier for the Purpose of bringing his Bakehouse into conformity with this Section; the Court may upon Application enlarge any Time appointed for the Adoption of the Means directed by the Order, but any Non-compliance with the Order of the Court shall, after the Expiration of the Time as originally limited or enlarged by subsequent Order, be deemed to be a continuing Offence, and to be punishable by a Penalty

Penalty not exceeding One Pound for every Day that such Non-compliance continues.

As to Sleeping Places near Bakehouses.

V. No Place on the same Level with a Bakehouse situate in any City, Town, or Place containing according to the last Census a Population of more than Five thousand Persons, and forming Part of the same Building, shall be used as a Sleeping Place, unless it is constructed as follows; that is to say,

Unless it is effectually separated from the Bakehouse by a Partition extending from the Floor to the Ceiling:

Unless there be an external glazed Window of at least Nine Superficial Feet in Area, of which at the least Four and a Half Superficial Feet are made to open for Ventilation:

And any Person who lets, occupies, or continues to let, or knowingly suffers to be occupied, any Place contrary to this Act, shall be liable for the First Offence to a Penalty not exceeding Twenty Shillings, and for every subsequent Offence to a Penalty not exceeding Five Pounds.

Power to Local Authority to enforce Provisions of this Act.

VI. It shall be the Duty of the Local Authority to enforce within their District the Provisions of this Act, and in order to facilitate the Enforcement thereof any Officer of Health, Inspector of Nuisances, or other Officer appointed by the Local Authority, herein-before referred to as the Inspector, may enter into any Bakehouse at all Times during the Hours of baking, and may inspect the same, and examine whether it is or not in conformity with the Provisions of this Act; and any Person refusing Admission to the Inspector, or obstructing him in his Examination, shall for each Offence incur a Penalty not exceeding Twenty Pounds; and it shall be lawful for any Inspector who is refused Admission to any Bakehouse, in pursuance of this Section, to apply to any Justice for a Warrant authorizing him, accompanied by a Police Constable, to enter into any such Bakehouse for the Purpose of examining the same, and to enter the same accordingly.

As to Expenses of Local Authority acting under this Act.

VII. All Expenses incurred by any Local Authority in pursuance of the Provisions of this Act may be paid out of any Rate leviable by them, and applicable to the Payment of the Expenses incurred by the Local Authority under the said Nuisances Removal Acts, and the said Authority may levy such Rate accordingly.

Penalties.

Recovery of Penalties.

VIII. All Penalties under this Act may be recovered summarily before Two or more Justices; as to *England*, in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Forty-three, intituled *An Act to facilitate the Performance*

ance of the Duties of Justices of the Peace out of Sessions within England *and* Wales *with respect to summary Convictions and Orders,* or any Act amending the same; as to *Ireland,* in manner directed by the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria,* Chapter Ninety-three, intituled *An Act to consolidate and amend the Acts regulating the Proceedings of Petty Sessions and the Duties of Justices of the Peace out of Quarter Sessions in* Ireland, or any Act amending the same; and as to *Scotland,* upon summary Conviction, with Power for the Justices having Cognizance of the Case to sentence the Offender to Imprisonment for a Period not exceeding Three Months until the Penalty and the Expenses of Conviction are paid.

Jurisdiction of certain Magistrates.

IX. Any Act, Power, or Jurisdiction hereby authorized to be done or exercised by Two Justices may be done or exercised by the following Magistrates within their respective Jurisdictions; that is to say, as to *England,* by any Metropolitan Police Magistrate or other Stipendiary Magistrate sitting alone at a Police Court or other appointed Place, or by the Lord Mayor of the City of *London,* or any Alderman of the said City sitting alone or with others at the *Mansion House* or *Guildhall;* as to *Ireland,* by any One or more Divisional Magistrates of Police in the Police District of *Dublin,* and elsewhere by One or more Justice or Justices of the Peace in Petty Sessions; and as to *Scotland* by the Sheriff or Sheriff Substitute, or by any Police Magistrate of a Burgh.

CAP. XLI.

An Act to amend the Law respecting the Liability of Innkeepers, and to prevent certain Frauds upon them.—[13*th* July 1863.]

WHEREAS it is expedient to amend the Law concerning the Liability of Innkeepers in respect of the Goods of their Guests in manner herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is say,)

Innkeeper not to be liable for Loss, &c.

I. No Innkeeper shall, after the passing of this Act, be liable to make good to any Guest of such Innkeeper any Loss of or Injury to Goods or Property brought to his Inn, not being a

beyond £30, except in certain Cases.

a Horse or other live Animal, or any Gear appertaining thereto, or any Carriage, to a greater Amount than the Sum of Thirty Pounds, except in the following Cases; (that is to say,)

(1.) Where such Goods or Property shall have been stolen, lost, or injured through the wilful Act, Default, or Neglect of such Innkeeper or any Servant in his Employ:

(2.) Where such Goods or Property shall have been deposited expressly for safe Custody with such Innkeeper:

Provided always, that in the Case of such Deposit it shall be lawful for such Innkeeper, if he think fit, to require, as a Condition of his Liability, that such Goods or Property shall be deposited in a Box or other Receptacle, fastened and sealed by the Person depositing the same.

Obligation to receive Property of Guests for safe Custody.

II. If any Innkeeper shall refuse to receive for safe Custody, as before mentioned, any Goods or Property of his Guest, or if any such Guest shall, through any Default of such Innkeeper, be unable to deposit such Goods or Property as aforesaid, such Innkeeper shall not be entitled to the Benefit of this Act in respect of such Goods or Property.

Notice of Law, &c. to be conspicuously exhibited.

III. Every Innkeeper shall cause at least One Copy of the First Section of this Act, printed in plain Type, to be exhibited in a conspicuous Part of the Hall or Entrance to his Inn, and he shall be entitled to the Benefit of this Act in respect of such Goods or Property only as shall be brought to his Inn while such Copy shall be so exhibited.

Interpretation of Terms.

IV. The Words and Expressions herein-after contained, which in their ordinary Signification have a more confined or a different Meaning, shall in this Act, except where the Nature of the Provision or the Context of the Act shall exclude such Construction, be interpreted as follows; that is to say, the Word "Inn" shall mean any Hotel, Inn, Tavern, Public House, or other Place of Refreshment, the Keeper of which is now by Law responsible for the Goods and Property of his Guests; and the Word "Innkeeper" shall mean the Keeper of any such Place.

CAP. XLII.

An Act to amend the Act of the Twentieth and Twenty-first Years of Victoria, *authorizing the Sale of Mill Sites and Water Powers by the Commissioners of Public Works in* Ireland.—[13*th* July 1863.]

CAP. XLIII.

An Act to enable Her Majesty's Postmaster General to sell and otherwise dispose of Land.—[13*th* July 1863.]

CAP. XLIV.

An Act for the further Security of the Persons of Her Majesty's Subjects from personal Violence.—[13*th* July 1863.]

WHEREAS by the Forty-third Section of the Act of the Session of the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, Chapter Ninety-six, it is provided that "whosoever shall, being armed with any offensive "Weapon or Instrument, rob or assault with Intent to rob any "Person, or shall together with One or more other Person or "Persons rob or assault with Intent to rob any Person, or shall "rob any Person, and at the Time of or immediately before "or immediately after such Robbery shall wound, beat, strike, "or use any other personal Violence to any Person;" and by the Twenty-first Section of the Act of the same Session, Chapter One hundred, that "whosoever shall by any means "attempt to choke, suffocate, or strangle any Person, or by any "means calculated to choke, suffocate, or strangle, attempt to "render any Person insensible, unconscious, or incapable of "Resistance, with Intent in any of such Cases thereby to enable "himself or any other Person to commit, or with Intent in any "of such Cases to assist any other Person in committing, any "indictable Offence, shall be guilty of Felony, and being convict-"ed thereof shall be liable, at the Discretion of the Court, to be "kept in Penal Servitude for Life, or for any Term not less than "Three Years, or to be imprisoned for any Term not exceeding "Two Years, with or without Hard Labour, and with or with-"out Solitary Confinement:" And whereas the Punishment awarded by the said Sections is insufficient to deter from Crimes of Violence: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

24 & 25 Vict. c. 96.

24 & 25 Vict. c. 100.

I. Where

Power to award Punishment of Whipping in Cases herein named.

I. Where any Person is convicted of a Crime under either of the said Sections, the Court before whom he is convicted may, in addition to the Punishment awarded by the said Sections or any Part thereof, direct that the Offender, if a Male, be once, twice, or thrice privately whipped, subject to the following Provisions:

1. That in the Case of an Offender whose Age does not exceed Sixteen Years the Number of Strokes at each such Whipping do not exceed Twenty-five, and the Instrument used shall be a Birch Rod:
2. That in the Case of any other Male Offender the Number of Strokes do not exceed Fifty at each such Whipping:
3. That in each Case the Court in its Sentence shall specify the Number of Strokes to be inflicted and the Instrument to be used:

Provided that in no Case shall such Whipping take place after the Expiration of Six Months from the passing of the Sentence; provided also, that every such Whipping to be inflicted on any Person sentenced to Penal Servitude shall be inflicted on him before he shall be removed to a Convict Prison with a view to his undergoing his Sentence of Penal Servitude.

CAP. XLV.

An Act for making a new Street from Blackfriars *to the* Mansion House *in the City of* London *in connexion with the Embankment of the River* Thames *on the Northern Side of that River; and for other Purposes.*—[13*th* July 1863.]

CAP. XLVI.

An Act for further continuing and appropriating the London *Coal and Wine Duties.*—[13*th* July 1863.]

CAP. XLVII.

An Act for removing Doubts as to the Powers of the Courts of the Church of Scotland, *and extending*

ing

ing the Powers of the said Courts.—[13*th* July 1863.]

WHEREAS it would much conduce to the Interests of Religion were Ministers of Parishes against whom a Libel has been found relevant for alleged immoral Conduct, or for alleged Error in Doctrine, to abstain from exercising Ministerial Functions until the said Libel has been disposed of by final Sentence; but Doubts exist whether the Right of the Courts of the Church of *Scotland* to require and enjoin Ministers of Parishes so to abstain from Ministerial Functions in such Circumstances may not be liable to legal Impediment, and it is desirable to remove such Doubts: And whereas it is expedient to declare the said Right, and farther to declare the Right of the Presbyteries of the said Church to make Provision for supplying the Ordinances of Religion in any Parish where the said Ordinances have ceased to be performed by the Minister thereof: Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

When a Libel found relevant against a Minister, Presbytery may require and enjoin him to abstain from the Discharge of his Functions.

I. Whenever any Presbytery or other Court of the Church of *Scotland* shall have found a Libel relevant, charging the Minister of any Parish with immoral Conduct or with Error in Doctrine, and shall have resolved to proceed to a Proof of the said Libel, it is hereby declared and enacted that it is and shall be held to be the Right of the said Presbytery to pronounce a Deliverance requiring and enjoining such Minister to abstain from the Exercise and Discharge of all Ministerial Functions of his Office as Minister of the Parish until the Libel shall have been fully investigated and finally disposed of; and in the event of an Appeal against such Deliverance the same shall continue in force until the same shall have been recalled by the Court of Appeal; and the Ordinances of Religion in the said Parish shall, so long as such Deliverance is unrecalled, be administered in the same Way as if the Parish were vacant by the Decease of the Minister thereof: Provided always, that nothing herein contained shall affect the Right of such Minister to his Stipend.

When a Minister has become insane, Presbytery to appoint an Assistant.

II. When, in the course of any Judicial Process affecting the Status of a Minister, or on the Representation of any Party having Interest, it has been established to the Satisfaction of a Presbytery or other Superior Court of the Church, on a Certificate by the Sheriff of the County, which he is hereby authorized

rized to grant after due Investigation, that the Minister of any Parish is insane, and thereby disabled from discharging the Duties of his Office, it is hereby further declared and enacted, that it is and shall be the Right of the Presbytery, unless an Arrangement for the Purposes after mentioned shall have been made on behalf of the said Minister to the Satisfaction of the Presbytery, to appoint a qualified Assistant to perform the Duties of the Charge until the said Minister shall be enabled to resume the same, or until the Parish shall be declared vacant, and at the same Time to apportion and fix, by their Deliverance appointing such Assistant, an Allowance out of the Stipend not exceeding One Half of the whole Proceeds of the Benefice, and which shall be payable so long as such Assistant shall hold and continue to act on his Appointment by the Presbytery; and such Deliverance, when duly intimated to the Heritors or others liable in Payment of the Stipend, shall be equivalent to a legal and completed Assignation by the Minister to such Assistant of the Portion of the Stipend specified in the Deliverance so long as the said Deliverance shall subsist: Provided, that it shall at all Times be competent to such Minister to apply to the Presbytery to be restored to the Duties of his Office on the Ground of his Recovery, and the Presbytery, on being satisfied that such Minister has recovered, shall recall the Deliverance, and from the Date of such Recall all Right and Interest under the Deliverance shall cease and determine.

Provision in case of a Minister being suspended.

III. When, by their final Sentence upon a Libel, a Presbytery or other Church Court shall suspend a Minister from the Discharge of the Duties of his Office for a Term specified in the said Sentence, it is hereby further declared and enacted, that it is and shall be held to be the Right of the Presbytery to appoint a qualified Assistant to discharge the said Duties, and to apportion and fix an Allowance to such Assistant out of the Stipend not exceeding One Half of the whole Proceeds of the Benefice, and which shall be payable so long as such Assistant shall hold and continue to act on his Appointment by the Presbytery; and such Sentence, when duly intimated to the Heritors or others liable in Payment of the Stipend, shall be equivalent to a legal and completed Assignation by the Minister to such Assistant of the Proportion of the Stipend specified in the Sentence.

Church Court may appoint a Person to dictate the Evidence of Witnesses, or

IV. Where in any Cause depending before a Presbytery or other Superior Court of the Church a Proof shall have been allowed, it shall be lawful and competent for such Court to appoint a qualified Person being an Advocate, Writer to the Signet, Solicitor before the Supreme Courts, or a Procurator duly entered as a Practitioner in any Sheriff Court in *Scotland*, of

of not less than Three Years standing, to sit with them for the Purpose of dictating to the Clerk of Court the Evidence given by the Witnesses examined in the Course of the Proof, and the Oath De fideli administratione officii shall be administered by the Moderator to any Person so appointed; and it shall be lawful and competent for such Court, if it see fit, to appoint the Evidence of the Witnesses examined in the course of such Proof to be taken down by a Writer skilled in Shorthand Writing, to whom the Oath De fideli administratione officii shall be administered; and the said Shorthand Writer shall afterwards, and within such Time as may be fixed by the Court, write out in full the Evidence so taken down by him in Shorthand; and the extended Notes, so written out, certified by the Moderator and Clerk of Court to be correct, shall be the Record of the oral Evidence in the Cause: Provided always, that nothing herein contained shall prevent any Church Court, if it see fit, from taking down and recording the Evidence adduced in any Cause, according to the Form hitherto in use.

appoint a Shorthand Writer to take it down.

CAP. XLVIII.

An Act to repeal the Act of the Twentieth and Twenty-first Years of Her Majesty, Chapter Sixty-six, for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India *Company, and for regulating in such Service the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in the Service.*—[13*th* July 1863.]

CAP. XLIX.

An Act giving Power to sell and dispose of Lands, Parcel of the Possessions of the Duchy of Cornwall, *and to purchase other Lands to be annexed thereto, and to regulate future Grants of Leases of the Possessions of the said Duchy; and for other Purposes.* —[13*th* July 1863.]

CAP. L.

An Act to continue the Powers of the Commissioners under the Salmon Fisheries (Scotland) *Act until the First Day of* January *One thousand eight hundred and sixty-five, and to amend the said Act.*— [13*th* July 1863.]

WHEREAS an Act was passed in the Twenty-fifth and Twenty-sixth Years of the Reign of Her present Majesty, intituled *An Act to regulate and amend the Law respecting the Salmon Fisheries of* Scotland; and in the Sixteenth Section thereof it is enacted, that "the Commissioners shall on "or before the First Day of *January* One thousand eight hun- "dred and sixty-four" determine certain Matters by Byelaws, and report the same to the Secretary of State; and it is expedient that the Time so limited should be extended, and that the said Act should be amended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

25 & 26 Vict. c. 97.

Extension of Time for making, &c. Byelaws.

I. The said Commissioners shall determine the said Matters specified in the said Sixteenth Section, by Byelaws under their Hands or the Hands of any Two of them, and shall report the same to the Secretary of State on or before the First Day of *January* One thousand eight hundred and sixty-five.

Notice to be given for calling First Meeting of District Boards.

II. The Provision in the Eighteenth Section of the recited Act that "the Sheriff shall thereafter summon the First Meeting "of such Board for such Day and such Place as he may fix" is hereby repealed; and on the Time and Place of the First Meeting of the District Board being fixed as provided by the Twenty-second Section of the recited Act, and intimated to the Sheriff Clerk, he shall give Notice of such Meeting as therein provided; and such First Meeting may be held at any Time within Twenty-one Days after the First Election of the District Board under the recited Act, anything therein contained to the contrary notwithstanding.

As to reading of Sect. 33 of recited Act.

III. The Thirty-third Section of the recited Act shall be read and construed as if the Words "Public General Act, "Twenty-fourth and Twenty-fifth Victoria, Chapter One Hun- "dred and nine," had been inserted therein instead of the Words "said Act."

IV. It

IV. It shall be lawful for the said Commissioners, on or before the First Day of *January* One thousand eight hundred and sixty-four, by a Byelaw under their Hands, or the Hands of any Two of them, to be made, published, and approved in the Manner provided in the Fifteenth Section of the recited Act, to extend the Limits of the Mouth or Entrance of the River *Tweed* Northwards from the Limits thereof as defined in "The *Tweed* Fisheries Amendment Act, 1859," along the Sea Coast and into the Sea to such Points and to such Extent as they may fix; and from and after the Publication of such Byelaw in the *Edinburgh Gazette*, and in such further Mode as the Secretary of State may direct, the Enactments and Provisions of "The *Tweed* Fisheries Act, 1857," (with the Exception of the Fifty-fifth and Sixtieth Sections,) and of "The *Tweed* Fisheries Amendment Act, 1859," and the Tenth, Twelfth, and Twenty-seventh Sections of the recited Act, shall be applicable to and may be enforced within such extended Limits in the same Manner and to the same Effect as if such extended Limits had been included in the Mouth or Entrance of the River *Tweed* as defined in "The *Tweed* Fisheries Amendment Act, 1859:" Provided, that the Rates or Assessments to be levied on and in respect of the Fisheries beyond the Limits of the Mouth of the River *Tweed*, as defined in "The *Tweed* Fisheries Amendment Act, 1859," and within the Limits as extended under any such Byelaw as aforesaid, shall not be applied in or towards the Payment or Discharge of any Debts or Obligations contracted by the Commissioners acting under "The *Tweed* Fisheries Act, 1857," previous to the passing of this Act.

Power to Commissioners to extend the Limits of the Mouth of the River Tweed.

As to Application of certain Rates or Assessments.

CAP. LI.

An Act to amend the Passengers Act, 1855.—[13*th* July 1863.]

WHEREAS it is expedient to amend "The Passengers Act, 1855," in the Particulars herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:—

18 & 19 Vict. c. 119.

I. This Act may be cited for all Purposes as "The Passengers Act Amendment Act, 1863."

Short Title.

II. This Act shall come into operation on the First Day of *October* One thousand eight hundred and sixty-three.

Commencement of Act.

III. The

Definition of "Passenger Ship" in Section 3 of recited Act repealed, and other Provisions made.

III. The Definition in the Third Section of "The Passengers Act, 1855," of the Term "Passenger Ship," is hereby repealed, and for the Purposes of the said Act and of this Act the Term "Passenger Ship" shall signify every Description of Sea-going Vessel, whether *British* or Foreign, carrying, upon any Voyage to which the Provisions of the said "Passengers Act, 1855," shall extend, more than Fifty Passengers, or a greater Number of Passengers than in the Proportion of One Statute Adult to every Thirty-three Tons of the registered Tonnage of such Ships, if propelled by Sails, or than One Statute Adult to every Twenty Tons, if propelled by Steam.

Mail Steamers carrying other than Cabin Passengers to be subject to the Act.

IV. So much of the Fourth Section of the said "Passengers Act, 1855," as exempts from the Operation of the Act any Steam Vessel carrying Mails under Contract with the Government of the State or Colony to which such Vessel may belong, is hereby repealed, and every Steam Vessel, whether *British*, Foreign, or Colonial, which shall carry Passengers other than Cabin Passengers in sufficient Number to bring such Vessel within the Definition of a Passenger Ship, as set forth in the Third Section of this Act, shall be subject to the Provisions of the said Act and of this Act in like Manner as any Passenger Ship not carrying a Mail.

Repeal of Tonnage Check on Number of Passengers to be carried in a Passenger Ship.

V. The First Rule of the Fourteenth Section of the said "Passengers Act, 1855," which limits the Number of Persons to be carried in a Passenger Ship by her registered Tonnage, together with so much of the concluding Portion of the same Section as relates to such Rule, is hereby repealed, except so far as relates to any Penalty incurred or legal Proceedings taken thereunder.

Cabin Passengers to be included in Passenger Lists.

VI. In the Passenger Lists required by the Sixteenth and Seventeenth Sections of "The Passengers Act, 1855," to be delivered by the Master of every Ship before demanding a Clearance, there shall be set forth, in addition to the other Particulars required by "The Passengers Act, 1855," the Names of all Cabin Passengers on board such Ships, specifying whether they respectively are under or over Twelve Years of Age, and at what Place the Passengers and Cabin Passengers respectively are to be landed, and the Schedule B. to the said Act shall be altered accordingly.

Limit of Penalty on Stowaways extended from 5*l.* to 20*l.*

VII. The Limit of the Penalty imposed by the Eighteenth Section of the said "Passengers Act, 1855," on Persons convicted of getting on board any Passenger Ship with Intent to obtain a Passage therein without the Consent of the Owner, Charterer, or Master thereof, and on Persons aiding or abetting in such fraudulent Attempt, shall be extended from Five Pounds to Twenty Pounds.

VIII. Notwithstanding

VIII. Notwithstanding the Prohibition contained in the Twenty-ninth Section of the said "Passengers Act, 1855," Horses and Cattle may be carried as Cargo in Passenger Ships, subject to the following Conditions: Horses and Cattle may be carried in Passenger Ships, under Conditions herein named.

(1.) That the Animals be not carried on any Deck below the Deck on which Passengers are berthed, nor in any Compartment in which Passengers are berthed, nor in any adjoining Compartment, except in a Ship built of Iron, and of which the Compartments are divided off by Water-tight Bulkheads extending to the upper Deck:

(2.) That clear Space on the Spar or Weather Deck be left for the Use and Exercise of the Passengers, at the rate of at least Ten Superficial Feet for each Statute Adult:

(3.) That no greater Number of Passengers be carried than in the Proportion of Fifteen to every One hundred Tons of the Ships registered Tonnage:

(4.) That in Passenger Ships of less than Five hundred Tons registered Tonnage not more than Two Head of large Cattle be carried, nor in Passenger Ships of larger Tonnage more than One additional Head of such Cattle for every additional Two hundred Tons of the Ships registered Tonnage, nor more in all in any Passenger Ship than Ten Head of such Cattle: The Term "large Cattle" shall include both Sexes of horned Cattle, Deer, Horses, and Asses; Four Sheep of either Sex, or Four Female Goats, shall be equivalent to, and may, subject to the same Conditions, be carried in lieu of One Head of large Cattle: Definition of the Term "large Cattle."

(5.) That proper Arrangements be made, to the Satisfaction of the Emigration Officer at the Port of Clearance, for the Housing, Maintenance, and Cleanliness of the Animals, and for the Stowage of their Fodder:

(6.) Not more than Six Dogs, and no Pigs or Male Goats, shall be conveyed as Cargo in any Passenger Ship: For any Breach of this Prohibition, or of any of the above Conditions, the Owner, Charterer, and Master of the Ship, or any of them, shall be liable for each Offence to a Penalty not exceeding Three hundred Pounds nor less than Five Pounds. Dogs and Pigs.

IX. The Requirements of the Thirty-fifth Section of the said "Passengers Act, 1855," that Six Ounces of Lime Juice should be issued weekly to each Statute Adult on Voyages exceeding Eighty-four Days in Duration for Sailing Vessels, or Fifty Days for Steamers, shall be confined to the Period when the Ship shall be within the Tropics; during the other Portions of the Voyage the Issue of Lime Juice shall be at the Discretion of the Medical Issue of Lime Juice.

Medical Practitioner on board; or, if there be no such Practitioner on board, at the Discretion of the Master of the Ship.

Substitution of soft Bread for other Bread Stuffs.

X. In addition to the Substitutions in the Dietary Scales specified in the Thirty-fifth Section of the said "Passengers Act, 1855," soft Bread baked on board may be issued, at the Option of the Master of any Passenger Ship, in lieu of the following Articles, and in the following Proportions; (that is to say,) One Pound and a Quarter of a Pound of such soft Bread may be issued in lieu of One Pound of Flour, or of One Pound of Biscuit, or of One Pound and a Quarter of a Pound of Oatmeal, or of One Pound of Rice, or of One Pound of Peas.

Sect. 46. of recited Act to apply to Cabin Passengers, and Passage Money made recoverable immediately on relanding.

XI. The Forty-sixth Section of the said "Passengers Act, 1855," shall be applicable to Cabin as well as to other Passengers landed on account of Sickness; and the Passage Money of all Cabin or other Passengers so landed may be recovered in the Manner pointed out in the said Act, upon the Delivery up of their Contract Tickets, and notwithstanding that the Ship may not have sailed: Provided always, that in the Case of Cabin Passengers so landed One Half only of their Passage Money shall be recoverable.

Sections 12, 51, 53, and 54 of recited Act repealed, and other Provisions substituted.

XII. The Twelfth, Fifty-first, Fifty-third, and Fifty-fourth Sections of the said "Passengers Act, 1855," shall be and the same are hereby repealed, except as to the Recovery and Application of any Penalty for any Offence committed against the said Act, and except so far as may be necessary for supporting or continuing any Proceeding heretofore taken or hereafter to be taken thereunder; and in lieu of the Enactments contained in such Sections the Enactments in the Four next following Sections shall respectively be substituted; (that is to say,)

Forfeiture of Ship if Master proceeds to Sea without Certificate of Clearance, &c.

XIII. If any Passenger Ship shall clear out or proceed to Sea without the Master having first obtained such Certificate of Clearance, or without his having joined in executing such Bond to the Crown as by the said "Passengers Act, 1855," are required, or if such Ship, after having put to Sea, shall put into any Port or Place in the United Kingdom in a damaged State, and shall leave or attempt to leave such Port or Place with Passengers on board without the Master having first obtained such Certificate of Clearance as is required by Section Fifty of the said "Passengers Act, 1855," such Ship shall be forfeited to the Use of Her Majesty, and may be seized by any Officer of Customs, if found, within Two Years from the Commission of the Offence, in any Port or Place in Her Majesty's Dominions; and such Ship shall thereupon be dealt with in the same Manner as if she had been seized as forfeited for an Offence incurring Forfeiture under any of the Laws relating to the Customs: Provided that it shall be lawful for One of Her Majesty's

Such Ship to be dealt with as if seized under Customs Laws.

Majesty's Principal Secretaries of State to release, if he shall think fit, any such forfeited Ship from Seizure and Forfeiture, on Payment by the Owner, Charterer, or Master thereof, to the Use of Her Majesty, of such Sum not exceeding Two Thousand Pounds as such Secretary of State may by any Writing under his Hand specify.

Power to Secretary of State to release Ships on Payment of a Sum of Money.

XIV. If any Passenger Ship shall be wrecked, or otherwise rendered unfit to proceed on her intended Voyage, while in any Port of the United Kingdom, or after the Commencement of the Voyage, and if the Passengers, or any of them, shall be brought back to the United Kingdom, or if any Passenger Ship shall put into any Port or Place in the United Kingdom in a damaged State, the Master, Charterer, or Owner shall, within Forty-eight Hours thereafter, give to the nearest Emigration Officer, or in the Absence of such Officer to the Chief Officer of Customs, a written Undertaking to the following Effect; that is to say, if the Ship shall have been wrecked, or rendered unfit as aforesaid to proceed on her Voyage, that the Owner, Charterer, or Master thereof shall embark and convey the Passengers in some other eligible Ship, to sail within Six Weeks from the Date thereof, to the Port or Place for which their Passages respectively had been previously taken; and if the Ship shall have put into Port in a damaged State, then that she shall be made seaworthy, and fit in all respects for her intended Voyage, and shall, within Six Weeks from the Date of such Undertaking, sail again with her Passengers; in either of the above Cases the Owner, Charterer, or Master shall, until the Passengers proceed on their Voyage, either lodge and maintain them on board in the same Manner as if they were at Sea, or pay to them Subsistence Money after the Rate of One Shilling and Sixpence a Day for each Statute Adult, unless the Passengers shall be maintained in any Hulk or Establishment under the Superintendence of the Emigration Commissioners mentioned in the said Passengers Act, 1855, in which Case the Subsistence Money shall be paid to the Emigration Officer at such Port or Place. If the substituted Ship or damaged Ship, as the Case may be, shall not sail within the Time prescribed as aforesaid, or if Default shall be made in any of the Requirements of this Section, such Passengers respectively, or any Emigration Officer on their Behalf, shall be entitled to recover, by summary Process, as in the said Passengers Act, 1855, is mentioned, all Monies which shall have been paid by or on account of such Passengers or any of them for such Passage, from the Party to whom or on whose Account the same may have been paid, or from the Owner, Charterer, or Master of such Ship, or any of them, at the Option of such Passenger or

In case of Wreck or Damage in or near United Kingdom, Passengers to be provided with a Passage by some other Vessel, and maintained in the meantime.

Power to remove Passengers from damaged Ship; Penalty on Passengers refusing.

Emigration Officer: Provided that the said Emigration Officer may, if he shall think it necessary, direct that the Passengers shall be removed from such damaged "Passenger Ship," at the Expense of the Master thereof; and if after such Direction any Passenger shall refuse to leave such Ship, he shall be liable to a Penalty not exceeding Forty Shillings, or to Imprisonment not exceeding One Calendar Month.

Governors or Consuls may send on Passengers if the Master of the Ship fail to do so.

XV. If any Passenger or Cabin Passenger of any Passenger Ship shall, without any Neglect or Default of his own, find himself within any Colonial or Foreign Port or Place other than that for which the Ship was originally bound, or at which he or the Emigration Commissioners, or any public Officer or other Person on his Behalf, may have contracted that he should land, it shall be lawful for the Governor of such Colony, or for any Person authorized by him for the Purpose, or for Her Majesty's Consular Officer at such Foreign Port or Place, as the Case may be, to forward such Passenger to his intended Destination, unless the Master of such Ship shall, within Forty-eight Hours of the Arrival of such Passenger, give to the Governor or Consular Officer, as the Case may be, a written Undertaking to forward or carry on, within Six Weeks thereafter, such Passenger or Cabin Passenger to his original Destination, and unless such Master shall accordingly forward or carry him on within that Period.

Expenses incurred under the Two preceding Sections to be a Debt due to the Crown.

XVI. All Expenses incurred under the last preceding Section or under the Fifty-second Section of "The Passengers Act, 1855," or either of them, by or by the Authority of such Secretary of State, Governor, or Consular Officer, or other Person, as therein respectively mentioned, including the Cost of maintaining the Passengers until forwarded to their Destination, and of all necessary Bedding, Provisions, and Stores, shall become a Debt to Her Majesty and Her Successors from the Owner, Charterer, and Master of such Ship, and shall be recoverable from them, or from any One or more of them, at the Suit and for the Use of Her Majesty, in like Manner as in the Case of other Crown Debts; and a Certificate in the Form in Schedule (A.) hereto annexed, or as near thereto as the Circumstances of the Case will admit, purporting to be under the Hand of any such Secretary of State, Governor, or Consular Officer, (as the Case may be,) stating the total Amount of such Expenses, shall in any Suit or other Proceeding for the Recovery of such Debt be received in Evidence without Proof of the Handwriting or of the official Character of such Secretary of State, Governor, or Consular Officer, and shall be deemed sufficient Evidence of the Amount of such Expenses, and that the same were duly incurred, nor shall it be necessary to adduce on behalf

behalf of Her Majesty any other Evidence in support of the Claim, but Judgment shall pass for the Crown, with Costs of Suit, unless the Defendant shall specially plead and duly prove that such Certificate is false or fraudulent, or shall specially plead and prove any Facts showing that such Expenses were not duly incurred under the Provisions of this Act, and of the said "Passengers Act, 1855," or either of them: Provided nevertheless, that in no Case shall any larger Sum be recovered on account of such Expenses than a Sum equal to twice the total Amount of Passage Money received or due to and recoverable by or on account of the Owner, Charterer, or Master of such Passenger Ship, or any of them, for or in respect of the whole Number of Passengers and Cabin Passengers who may have embarked in such Ship, which total Amount of Passage Money shall be proved by the Defendant, if he will have the Advantage of this Limitation of the Debt; but if any such Passengers are forwarded or conveyed to their intended Destination under the Provisions of the last preceding Section, they shall not be entitled to the Return of their Passage Money, or to any Compensation for Loss of Passage under the Provisions of the said "Passengers Act, 1855."

Passengers forwarded by Governor, &c. not entitled to Return of Passage Money.

XVII. In the Case of a Passenger Ship, of which neither the Owners nor Charterers reside in the United Kingdom, the Bond required to be given to the Crown by the Sixty-third Section of the "Passengers Act, 1855," shall be for the Sum of Five thousand Pounds instead of Two thousand Pounds; and an additional Condition shall be inserted in such Bond to the Effect that the Obligors therein shall, subject to the Provisions and Limitations herein-before contained, be liable for and shall pay to Her Majesty and Her Successors, as a Crown Debt, all Expenses which may be incurred under the Provisions herein-before and in the "Passengers Act, 1855," contained, in rescuing, maintaining, and forwarding to their Destination any Passengers of such Ships who by reason of Shipwreck or any other Cause, except their own Neglect or Default, may not be conveyed to their intended Destination by or on behalf of the Owner, Charterer, or Master of such Ship.

Bond to repay Expenses of rescuing and forwarding shipwrecked Passengers, where Owners and Charterers of Vessel reside abroad.

XVIII. The said "Passengers Act, 1855," and this Act, shall be construed together as One Act.

Recited Act and this to be as One.

SCHE

SCHEDULE (A.)

Form of Governor's or Consul's Certificate of Expenditure in the Case of Passengers shipwrecked, &c.

I hereby certify, That, acting under and in conformity with the Provisions of the British "Passengers Act, 1855," and of the "Passengers Act Amendment Act, 1863," I have defrayed the Expenses incurred in rescuing, maintaining, supplying with necessary Bedding, Provisions, and Stores (*a*), and in forwarding to their Destination Passengers [including Cabin Passengers (*b*)], who were proceeding from to in the Passenger Ship , which was wrecked at Sea, &c. (*c*).

And I further certify, for the Purposes of the Tenth Section of the said "Passengers Amendment Act, 1863," that the total Amount of such Expenses is Pounds, and that such Expenses were duly incurred by me under the said Acts or one of them.

Given under my Hand, this Day of 18 .

{ *Governor of, &c.*, (or as the Case may be,) *Her Britannic Majesty's Consul at*

(*a*). N.B.—1. If more Passengers were rescued than forwarded, or if Bedding, &c., was not supplied, alter the Certificate to suit the Facts of the Case.

(*b*). N.B.—2. Omit Words in Brackets when necessary.

(*c*). N.B.—3. State generally the Nature of the Disaster and where it occurred. But if the Passengers were only left behind, without any Default of their own, state the Fact accordingly.

CAP. LII.

An Act to further extend and make compulsory the Practice of Vaccination in Ireland.—[13*th* July 1863.]

CAP. LIII.

An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.—[13*th* July 1863.]

CAP. LIV.

An Act for vesting in Her Majesty's Principal Secretary of State for the War Department certain Lands and Hereditaments at Walmer *in the County of* Kent.—[13*th* July 1863.]

CAP. LV.

An Act to continue the Poor Law Board for a limited Period.—[21*st* July 1863.] (England.)

CAP. LVI.

An Act to make perpetual an Act to amend the Laws relating to Loan Societies.—[21*st* July 1863.] (England and Wales.)

CAP. LVII.

An Act to consolidate and amend the Acts relating to the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers in case of Death, and to make like Provision for the Cases of Desertion and Insanity, and other Cases.—[21*st* July 1863.]

WHEREAS it is expedient to consolidate and amend the Provisions now in force relating to the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers dying on Service, and those Provisions having been found beneficial, it is also expedient to make like Provision for the Security and Application of the Effects of Deserters and others, and of Officers and Soldiers becoming insane on Service:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title.

I. This Act may be cited as The Regimental Debts Act, 1863.

Interpretation of Terms.

II. In this Act—

The Term "Officer" means (except where it is otherwise expressed)

pressed) a Commissioned Officer of Her Majesty's Army, or of Her Majesty's *Indian* Army:

The Term "Soldier" means (except where it is otherwise expressed) a Soldier of Her Majesty's Army, or a *European* Soldier of Her Majesty's *Indian* Army, including a Warrant and a Non-commissioned Officer:

The Term "Representation" includes Probate, and Letters of Administration, with or without Will annexed, and the corresponding Documents or Acts in use according to the Law of *Scotland*, or other Law in force in any Place where this Act operates:

The Term "Representative" means any Person taking out Representation:

The Term "the Secretary of State for War" means such One of Her Majesty's Principal Secretaries of State for the Time being as Her Majesty thinks fit to intrust with the Seals of the War Department:

21 & 22 Vict. c. 106.

The Term "*India*" means the Territories for the Time being vested in Her Majesty under the Act of the Year 1858, "for the better Government of *India*:"

The Term "the Secretary of State for *India* in Council" means One of Her Majesty's Principal Secretaries of State acting with the Council of *India* under that Act:

The Term "Person" includes a Corporation and any Body of Persons.

Repeal of Enactments in Schedule.

III. The Enactments described in the Schedule to this Act shall be repealed; but this Repeal shall not affect the past Operation of any such Enactment, or any thing already done, or any Right, Title, Obligation, or Liability already accrued thereunder, or any Remedy or Proceeding for the Enforcement thereof.

PART I.

Death on Service.

Preferential Charges.

Definition of Preferential Charges on Property, —Military Debts, &c.

IV. Where an Officer or Soldier dies on Service, the following Classes of Expenses and Debts incurred and owing by him or on his Account shall, for the Purposes of this Act, be considered Preferential Charges on his Personal Property, and be payable thereout in preference to all other Debts and Liabilities, and, as among themselves, in the following Order:—

(1.) Expenses of last Illness and Funeral:

(2.) Military Debts, namely, Sums due in respect of—

Quarters;

Mess, Band, and other Regimental Accounts;

Military

Military Clothing, Appointments and Equipments, not exceeding a Sum equal to Six Months' Pay of the Deceased, and having become due within Eighteen Months before his Death ;

including Sums due to any Agent or to any Paymaster, Quartermaster, or other Officer, on any such Account or on account of any Advance made for any such Purpose :

to which shall be added, where the Death occurs out of the United Kingdom,—

(3.) Servants' Wages, not exceeding Two Months' Wages to each Servant :

(4.) Household Expenses incurred within a Month before the Death or after the last Issue of Pay to the Deceased, whichever is the shorter Period.

Surplus only of Personal Estate to be deemed Personal Estate.

V. The Surplus only of the Personal Property of an Officer or Soldier dying on Service, remaining over after Payment of Preferential Charges, shall be considered Personal Estate of the Deceased, with reference to the Calculation of Probate Duty, or of any other Tax or Percentage, or for any of the Purposes of Administration or Distribution.

Questions respecting Amount, Payment, &c. of Preferential Charges to be decided by Secretary of State, or in India by Military Secretary to Government of Presidency.

VI. If in any Case a Doubt or Difference arises as to any particular expense or Debt being a Preferential Charge or not, —or as to any alleged Preferential Charge having been in fact incurred, or being due, in the whole or in part, or not,—or as to the Priority among or Payment of any Preferential Charges, where the Property is insufficient to pay all in full, or where those of One Class exceed the Amount allowed for that Class,— or otherwise in relation to any Preferential Charge or the Payment thereof,—the Decision of the Secretary of State for War, where the Death occurs elsewhere than in *India*, and of the Military Secretary to the Government of the Presidency in which the Deceased was quartered, where the Death occurs in *India*, or of such Officer or Person as the Secretary of State or Military Secretary respectively deputes by Writing under his Hand to act for him in this Behalf, shall be final, and shall be binding on all Persons for all Purposes.

Collection and Disposal of Effects.

On Death of Officer or Soldier on Service, Committee of Officers to secure Effects.

VII. Immediately on the Death of an Officer or Soldier on Service, such Committee of Officers as may be prescribed by Royal Warrant, according to the Circumstances of different Cases, herein-after called the Committee of Adjustment, shall secure all such of his Effects as—

Where the Death occurs in the United Kingdom, are in Camp or Quarters ; and

Where

Where the Death occurs out of the United Kingdom, are within the Station, Colony, or Command.

If Preferential Charges not paid, Power to Committee to sell and convert Effects, and to get in Credits, and, after Payment of Expenses, to secure Surplus.

VIII. Provided, that if the Representative of the Deceased, or his Widow (if any), or any of his Next of Kin, pays in full the Preferential Charges, the Committee of Adjustment shall not further interfere in relation to the Property.

If such Payment is not made, then, within One Month after the Death, the Committee of Adjustment may and shall, without any Representation taken out, and as if they were the Representatives of the Deceased, and to the Exclusion of all other Authorities and Persons whomsoever, sell or convert into Money such Parts of the Effects of the Deceased as do not consist of Money,—and also where the Death occurs out of the United Kingdom get in and give Receipts (which shall be effectual Discharges) for all or any of the Credits forming Part of the Estate of the Deceased, and being payable or recoverable in *India* or in the Colony or Possession in which the Deceased was quartered (as the Case may be), and, if they think fit, sue for and recover any of such Credits,—and, after paying thereout the Expenses attending the Discharge of their Duties, shall pay thereout the Preferential Charges, and secure the Surplus of the Effects, or Effects and Credits, as the Case may be, remaining over after all such Payments.

In India, Power for Committee to deliver over Effects to Administrator General.

IX. Where the Death occurs in *India*, the Committee of Adjustment may, in such Cases, under such Circumstances, and at such Time or Times, as may be prescribed by Royal Warrant, according to the Circumstances of different Cases, deliver over the Effects secured by them to the Administrator General for the Presidency in which the Deceased was quartered.

Disposal of Surplus.

Remittance of Surplus by Committee.

X. The Committee of Adjustment shall, according to the Circumstances of the Case, remit or lodge the Surplus aforesaid to or in the Hands of such Paymaster or other Officer or Person, at such Time or Times, in such Manner, and together with such Accounts, Vouchers, Reports, and Information, as may be prescribed by Royal Warrant.

As to the Payment of Surplus where Deaths occur in India or elsewhere.

XI. Where the Death occurs elsewhere than in *India*, or the Death occurs in *India*, the Deceased being (in the latter Case) a Soldier of Her Majesty's Army, then the Paymaster or other Officer or Person aforesaid shall dispose of the Surplus as follows:—

(1.) Where the Amount exceeds One hundred Pounds, he shall pay it over to the Representative of the Deceased, if present at Head Quarters, and if there is none, shall forthwith

forthwith remit it to the Secretary of State for War:

(2.) Where the Amount does not exceed One hundred Pounds, it shall not be necessary for any Purpose that Representation to the Deceased be taken out, but if Representation is taken out, such Paymaster or other Officer or Person shall pay the Amount over to the Representative, if present at Head Quarters:

(3.) Where the Amount does not exceed One hundred Pounds, and Representation is not taken out, then such Paymaster or other Officer or Person shall dispose of the Amount, or Part thereof, (in such Manner as may be prescribed by Royal Warrant for such Cases,) for the Benefit of the Widow and of the Children or other near Relatives (if any) of the Deceased, or of some of such Persons, being present at Head Quarters; and if there are no such Persons, or any Part of the Amount aforesaid is not so disposed of for their Benefit, he shall forthwith remit the whole Amount, or the Part thereof not so disposed of, (as the Case may be,) to the Secretary of State for War.

Provision where Death occurs in India, the Deceased not being a Soldier.

XII. Where the Death occurs in *India*, the Deceased not being a Soldier of Her Majesty's Army, the following Provisions shall take effect:—

(1.) The Paymaster or other Officer or Person aforesaid shall, as soon as may be after receiving the Surplus aforesaid, publish such Notice (stating the Amount of the Surplus, and other Particulars respecting the Deceased and his Property,) as may be prescribed by Royal Warrant, together with a Notice stating that all Claims by Creditors against the Property of the Deceased are to be lodged with such Paymaster or other Officer or Person, who shall retain the Surplus for Two Months after the first Publication of such Gazette Notice as aforesaid, and shall receive and record all Claims lodged with him accordingly:

(2.) If Claims are so lodged, not exceeding in the whole such absolute Amount, or such Proportion of the Surplus, as may be prescribed by Royal Warrant, according to the Circumstances of different Cases, then such Paymaster or other Officer or Person shall, at the Expiration of the said Two Months, proceed to discharge the Demands of the Claimants who have lodged Claims with him, unless under the special Circumstances of the Case of the Deceased it appears to him inexpedient or unjust to do so:

(3.) In that Case, or in case the Claims lodged exceed in the whole

whole the absolute Amount or the Proportion aforesaid, then such Paymaster or other Officer or Person shall, without discharging those Claims, or any of them, transfer the Surplus aforesaid to the Administrator General for the Presidency:

(4.) Where such Paymaster or other Officer or Person does not so transfer the Surplus, he shall dispose thereof, or of so much thereof as remains after the Discharge of any Claims, as follows:

Where the Amount exceeds One hundred Pounds, he shall pay it over to the Representative of the Deceased in *India*, if any;

Where the Amount does not exceed One hundred Pounds, it shall not be necessary for any Purpose that Representation to the Deceased be taken out in *India*, but if Representation is taken out there, such Paymaster or other Officer or Person shall pay the Amount over to the Representative in *India*;

Where the Amount does not exceed One hundred Pounds, and Representation in *India* is not taken out, such Paymaster or other Officer or Person shall dispose of the Amount, or Part thereof, in *India*, (in such Manner as may be prescribed by Royal Warrant for such Cases,) for the Benefit of the Widow and of the Children or other near Relatives (if any) of the Deceased, or of some of such Persons, being in *India*:

(5.) Subject to the foregoing Provisions, such Paymaster or other Officer or Person shall, at the Expiration of such Time, not exceeding in any Case Six Months, as may be prescribed by Royal Warrant, remit the Surplus, or so much thereof as remains in his Hands after discharging any Claims, from *India* to *England*, as follows,—

In the Cases of Officers of Her Majesty's Army constituting the Staff Corps of the Three Presidencies, and in the Cases of Officers and *European* Soldiers of Her Majesty's *Indian* Army, to the Secretary of State for *India* in Council,—

In other Cases, to the Secretary of State for War.

Disposal of Residue by Secretary of State.

On Receipt of Surplus at War or India Office, No-

XIII. The Secretary of State for War, or the Secretary of State for *India* in Council, as the Case may be, on receiving any such Surplus or Part of a Surplus as is herein-before directed to be remitted, shall cause an Account to be made up, as

as soon as may be, of the total Amount to the Credit of the Deceased, including the Amount of the Surplus or Part of a Surplus so remitted, together with all Arrears of Pay, Batta, Grants, and other Allowances in the Nature thereof, and thereupon shall cause to be published, as soon as conveniently may be, in the *London Gazette*, and also in any Newspaper or otherwise as may seem fit, a Notice stating the total Amount to the Credit of the Deceased as aforesaid, herein-after called the Residue, and such other Particulars respecting the Deceased and his Property as may seem fit, together with a Notice stating the Mode in which any Application respecting the Residue is to be made to the Secretary of State for War, or to the Secretary of State for *India* in Council, as the Case may be.

Notices to be published in London Gazette, &c. as to Amount to Credit of Deceased, and other Particulars.

XIV. Where the Residue exceeds One hundred Pounds, the Secretary of State for War, or the Secretary of State for *India* in Council, as the Case may be, shall dispose of the Residue by paying it over to the Representative of the Deceased.

Residue exceeding 100*l.* to be paid to Representative of Deceased.

XV. Where the Residue does not exceed One hundred Pounds, it shall not be necessary for any Purpose that Representation to the Deceased be taken out, but in any Case the Secretary of State for War, or the Secretary of State for *India* in Council, as the case may be, may, if it seems fit, require Representation to be taken out; and if, on that Requisition or otherwise Representation is taken out, then he shall dispose of the Residue by paying it over to the Representative.

Residue not exceeding 100*l.* to be paid to Representative, if any.

XVI. Where the Residue does not exceed One hundred Pounds and Representation is not taken out, then, after the Expiration from the first Publication of the required Notice in the *London Gazette*, of Three Months in the Case of an Officer, and of One Month in the Case of a Soldier, the Secretary of State for War, or the Secretary of State for *India* in Council, as the Case may be, shall dispose of the Residue as follows:—

Where Residue does not exceed 100*l.*, and no Representation, War or India Office empowered to pay it over for Benefit of Widow, &c., or to invest it for Benefit of Children, &c.

(1.) He shall, if he thinks fit, pay the Residue over to any Person showing herself or himself, to the Satisfaction of the Secretary of State for War, or the Secretary of State for *India* in Council, as the Case may be, to be the Widow of the Deceased, or to be the Child or any Relative of the Deceased, or to be entitled to take out Representation to the Deceased,—to the end that the Residue may be applied by the Person to whom it is so paid over in a due Course of Administration, and the same shall be so applied accordingly (for which Application the Secretary of State for War, or the Secretary of State for *India* in Council, as the Case may be, may require such Security as seems fit):

(2.) Or else, where the Deceased leaves any Child or near Relative

Relative him surviving, the Secretary of State for War, or the Secretary of State for *India* in Council, as the Case may be, shall retain the Residue in his Hands on behalf of such Child or near Relative, and shall invest the Residue, or any Part thereof, in such Manner as may be prescribed by Royal Warrant, and shall apply the Sums invested, and the Income thereof, or any Part thereof respectively, from Time to Time, for the Maintenance, Education, or Advancement, or otherwise for the Benefit, of such Child or near Relative, in such Manner as may seem fit, subject to such Regulations as may be laid down by Royal Warrant.

Debts.

Provision in last-mentioned Case for Payment of Debts out of Residue.

XVII. Notwithstanding anything herein-before contained, where the Residue does not exceed One hundred Pounds, and Representation to the Deceased is not taken out, the Secretary of State for War, or the Secretary of State for *India* in Council, as the Case may be, shall, before disposing of the Residue or any Part thereof, in manner aforesaid,—or after so disposing of the Residue or any Part thereof, if and so far as the Disposition thereof is capable of Revocation,—apply the Residue, or so much as may be requisite, in or towards Payment of any Debt of the Deceased of which he has Notice, subject to the following Conditions:

First.—That the Debt accrued due within Three Years before the Death:

Second.—That Payment of it is claimed within Two Years after the Death:

Third.—That the Claimant proves the Debt to the Satisfaction of the Secretary of State for War, or of the Secretary of State for *India* in Council, as the Case may be.

Any Person claiming to be a Creditor of the Deceased shall not be entitled to obtain Payment of his Debt out of any Money that may, under this Act, be in the Hands of the Secretary of State for War, or of the Secretary of State for *India* in Council, by any Means or Proceedings whatever except by means of a Claim lodged with such Secretary of State, and Proceedings thereon, under and according to this Act.

Nothing in the present Section shall prejudicially affect the Claim of any Creditor in respect of a Debt incurred before the Commencement of this Part of this Act.

Undisposed-of Residues.

Residues undispos-

XVIII. If in any Case the Residue or any Part thereof remains, for One Year after the first Publication of the required Notice in

in the *London Gazette*, in the Hands of the Secretary of State for War, or of the Secretary of State for *India* in Council, as the Case may be, undisposed of or unappropriated, then as soon as conveniently may be after the End of that Year the Secretary of State for War, or the Secretary of State for *India* in Council, as the Case may be, shall cause to be published in the *London Gazette* a Notice similar to the original required Notice, *mutatis mutandis*, and so for Six successive Years from the Publication of the orignal Notice; and if in any Case the Residue, or any Part thereof, remains in the Hands of the Secretary of State for War, or the Secretary of State for *India* in Council, as the Case may be, undisposed of or unappropriated for Six Months after the Publication of the last of such required Notices in the *London Gazette*, then at the Expiration of the said Six Months he shall apply the same, together with any Income or Accumulations of Income accrued therefrom, in such Manner in or towards the Creation or Maintenance of such Compassionate or other Fund for the Benefit of Widows and Children or other near Relatives of Soldiers dying on Service, as may be prescribed by Royal Warrant.

ed of for 6 Years to be applied towards Compassionate Fund.

Provided, that the Application under the present Section of any Residue, or Part of a Residue, undisposed of or unappropriated as aforesaid, shall not be deemed to bar any Claim of any Person to the same, or any Part thereof, that may be established at any Time after such Application.

Medals and Decorations.

XIX. Medals and Decorations belonging to an Officer or Soldier dying on Service shall not be considered to be comprised in the Personal Estate of the Deceased with reference to the Claims of Creditors or for any of the Purposes of Administration under this Act or otherwise; and, notwithstanding anything in this or any other Act contained, the same, when secured by the Committee of Adjustment, shall be held and disposed of according to Regulations laid down by Royal Warrant.

Medals and Decorations excepted; to be disposed of according to Royal Warrant.

Exception as to Regimental Paymasters.

XX. The Case of a Regimental Paymaster dying on Service shall, notwithstanding anything herein-before contained, be provided for as follows:—

Special Provision for Case of Death of Regimental Paymaster.

(1.) That Case shall be deemed wholly excepted out of the foregoing Provisions of this Act, save so far as they define and give Preference to and regulate the Payment of and provide for Decisions respecting Preferential Charges, and as they relate to the Duties and Powers of

of the Committee of Adjustment, and to Medals and Decorations:

(2.) The Duties and Powers of the Committee of Adjustment in relation to the Property shall, nevertheless, in the Case of a Regimental Paymaster, be deemed to arise in full, immediately and unconditionally on the Death, and to continue notwithstanding the Payment of the Preferential Charges by any Person:

(3.) Money in the Possession or under the Control of a Regimental Paymaster at his Death shall not be considered to be comprised in his Effects for the Purposes of this Act:

(4.) The Surplus in the Hands of the Committee of Adjustment shall, in the Case of a Regimental Paymaster, be dealt with by them as may be prescribed by Royal Warrant, and not according to the foregoing Provisions of this Act.

Administrators General and other Official Administrators.

Restriction on Interposition of Official Administrators.

XXI. An Administrator General for a Presidency in *India*, or a Registrar of any Court in *India* or in any of Her Majesty's Colonies or Possessions abroad, or any other Official Administrator, notwithstanding any Law regulating his Office independently of this Act, shall not interpose in any Manner in relation to any Property of an Officer or Soldier dying on Service, except in the Cases expressly provided for in this Act, or unless expressly required to do so by a Committee of Adjustment, or some other Officers or Persons, acting under this Act.

Duties of Administrators.

Where, under this Act, any Property comes to the Hands of any such Administrator General, Registrar, or other Official Administrator, he shall administer the same in accordance with the Provisions of this Act relating to Preferential Charges, and the other Provisions of this Act, and, subject thereto, according to the Law regulating his Office independently of this Act.

Where any Money coming, under this Act, to the Hands of any such Administrator General remains in his Hands after Discharge of all Debts and Liabilities, he shall remit the same to the Secretary of State for *India* in Council at such Time and in such Manner as he directs, to be retained or to be paid over to the Secretary of State for War, as the Case may require, and to be disposed of, according to the Provisions of this Act, as the Residue or Part of the Residue of the Property of the Deceased.

An Administrator General shall not be entitled to take, and it shall not be lawful for him to take, a Per-centage on the Property

perty of an Officer or Soldier dying on Service, exceeding Three *per Centum* on the gross Amount coming to his Hands if Preferential Charges have been previously paid, or on the gross Amount remaining in his Hands after Payment by him of Preferential Charges, as the Case may be.

Miscellaneous.

Money remitted not to be Assets in Place where remitted to.

XXII. Any Property of an Officer or Soldier dying on Service, coming, under this Act, to the Hands of any Paymaster or other Officer or Person, shall not, by reason of so coming, be deemed Assets or Effects at the Place in which that Paymaster or other Officer or Person is stationed or resides, and it shall not be necessary by reason thereof that Representation should be taken out in respect of that Property for that Place.

Where, under this Act, any such Property is to be paid or delivered over to the Representative of a deceased Officer or Soldier or other Person entitled to receive the same,—

if such Payment or Delivery is to be made in *India*, then the Military Secretary to the Government of the Presidency in which the Deceased was quartered,—

and if such Payment is to be made elsewhere than in *India*, then the Secretary of State for War, or the Secretary of State for *India*, in Council, as the Case may be,—

may order that such Property be transmitted to any other Place where the same can be more conveniently paid or delivered over as aforesaid; and the Obedience to any such Order by any Paymaster or other Officer or Person in whose Hands such Property is, shall be a sufficient Discharge to him, and he shall not be liable in any Manner by reason of such Property having been in his Hands and having been transmitted under any such Order.

Deduction of Arrears of Subscription to Military and Orphan Funds.

XXIII. Nothing in this Act shall be deemed to prevent the Secretary of State for *India* in Council, on the Death of an Officer of Her Majesty's *Indian* Army, from deducting in the Pay Office from any Arrear of Pay due to the Deceased the Amount of any Arrears of Subscription due by the Deceased to the Military and Orphan Funds, or either of them.

Exemptions from Duty.

XXIV. The Personal Estate of an Officer or Soldier dying on Service in *India*, not exceeding One hundred Pounds after Payment of Preferential Charges, and administered and disposed of under this Act without Representation being taken out, shall not be liable to the Payment of any Duty either in *India* or in the United Kingdom; but this Provision shall not affect any Exemption from Duty existing independently hereof.

Creditor adminis-

XXV. A Creditor, as such, shall not be deemed a Person entitled

tering not entitled to claim Property.

titled to take out Representation to the Deceased within the Meaning of this Part of this Act; nor shall a Creditor taking out Representation as such be entitled by virtue of such Representation to claim from the Secretary of State for War, or the Secretary of State for *India* in Council, any Part of the Property of the Deceased.

Deposit in Court of Probate, &c. of original Wills in Hands of Secretary of State and Declarations of Intestacy.

XXVI. Where any original Will of an Officer or Soldier dying on Service comes to the Hands of the Secretary of State for War, or of the Secretary of State for *India* in Council, and Representation under the same is not taken out, then the Secretary of State for War, or the Secretary of State for *India* in Council, as the Case may be, may cause the same to be deposited as follows:

Where the Domicil of the Testator was in *England*, or in *India*, or in any of Her Majesty's Colonies or Possessions abroad, or in any Foreign Country, then in the Place for the Time being appointed in *London* or *Middlesex* for the Deposit of original Wills brought into the Court of Probate:

Where the Domicil of the Testator was in *Ireland*, then in the Place for the Time being appointed in *Dublin* for the Deposit of original Wills brought into the Court of Probate:

Where the Domicil of the Testator was in *Scotland*, then in the Office of the Commissary Clerk of the Commissary Court of the County of *Edinburgh*.

Where an Officer or Soldier dies on Service intestate, and under this Act any Residue of his Property comes to the Hands of the Secretary of State for War, or of the Secretary of State for *India* in Council, for Disposal, and Representation to the Deceased is not taken out, then the Secretary of State for War, or the Secretary of State for *India* in Council, as the Case may be, may, if it seems fit, cause a Declaration of the Intestacy of such Officer or Soldier to be deposited in the Place or Office where the original Will of such Officer or Soldier (if any) would be deposited as aforesaid.

In every such Case the Secretary of State for War, or the Secretary of State for *India* in Council, as the Case may be, may cause to be deposited together with such original Will or Declaration of Intestacy an Inventory showing the Personal Property of the Deceased, and the Application thereof, as far as the same may be known.

Where the original Will of any Officer or Soldier who has, before the Commencement of this Part of this Act, died on Service is in the Hands of the Secretary of State for War, or of the Secretary of State for *India* in Council, he may, if it seems fit, at any Time cause the same to be deposited in the Place or Office where the original Will of such Officer or Soldier would be deposited

posited as aforesaid if he had died after the Commencement of this Part of this Act.

Every such original Will, Declaration of Intestacy, and Inventory shall be preserved and dealt with, and may be inspected, subject and according to any General or other Rules or Orders for regulating such Preservation, Dealing, and Inspection, and for fixing any Fees to be payable in respect thereof, as may be from Time to Time made in that Behalf by the Court, Judge, or other Authority empowered to make General or other Rules or Orders for like Purposes in relation to other Documents deposited in the same Place or Office.

PART II.

Desertion and Other Cases.

On Desertion, Committee of Officers to sell Effects, and pay Expenses.

XXVII. In every Case of Desertion, such Committee of Officers as may be prescribed by Royal Warrant, according to the Circumstances of different Cases, herein-after called the Committee of Adjustment, shall immediately secure all such of the Deserter's Effects as—

Where the Desertion occurs in the United Kingdom, are in Camp or Quarters; and

Where the Desertion occurs out of the United Kingdom, are within the Station, Colony, or Command;

and shall forthwith make an Inventory thereof, and shall, within Three Months after the Desertion, sell or convert into Money such Parts of the Deserter's Effects as do not consist of Money, and thereout pay the Expenses attending the Execution of the Provisions of the present Section.

Application of Surplus.

XXVIII. The Surplus remaining after such Payment shall be liable to be applied in or towards Payment of any such Expenses and Debts incurred and owing by the Deserter as would, under Part I. of this Act, be Preferential Charges on his Personal Property in case he had died on Service, with the like Preference, in the like Order, and subject to the like Provision for Decision of Doubt or Difference, as would in that Case apply, as nearly as may be, *mutatis mutandis*.

The Committee of Adjustment shall apply the same accordingly, and then shall dispose of any Property remaining in their Hands according to Regulations laid down by Royal Warrant.

Absence without Leave.

XXIX. For the Purposes of this Part of this Act, Absence without Leave for Twenty-one Days shall be deemed included in the Term Desertion.

Act to apply to Apprentices and Felons.

XXX. The Provisions of this Part of this Act shall apply, as nearly as may be, *mutatis mutandis*, in the Case of a Soldier delivered up as an Apprentice, or convicted of Felony.

PART III.

Insanity.

In case of Insanity, Committee of Officers to secure Effects.

XXXI. Where an Officer or Soldier is removed, put on Half Pay, or discharged, on the Ground of Insanity, such Committee of Officers as may be prescribed by Royal Warrant, according to the Circumstances of different Cases, herein-after called the Committee of Adjustment, shall immediately secure all such of his Effects as—

Where the Insanity occurs during Service in the United Kingdom, are in Camp or Quarters; and

Where the Insanity occurs during Service out of the United Kingdom, are within the Station, Colony, or Command.

Liability of Effects to be applied as for Payment of Preferential Charges.

XXXII. The Effects of such an Officer or Soldier shall be liable to be applied in or towards Payment of any such Expenses and Debts incurred and owing by him as would, under Part I. of this Act, be Preferential Charges on his Personal Property in case he had died on Service, with the like Preference, in the like Order, and subject to the like Provision for Decision of Doubt or Difference, as would in that Case apply, as nearly as may be, *mutatis mutandis*.

If Preferential Charges not paid, Power for Committee to sell and apply Proceeds.

XXXIII. If any Person who would, if such Officer or Soldier were dead, be entitled to take out Representation to him (otherwise than as a Creditor), or his Wife (if any), or any near Relative, pays in full the Expenses and Debts aforesaid, the Committee of Adjustment shall not further interfere in relation to the Property.

If such Payment is not made, then, within One Month after the Removal, putting on Half Pay, or Discharge, is known at the Quarters where the Effects are, the Committee of Adjustment may and shall sell or convert into Money such Parts of the Effects as do not consist of Money, and, after paying thereout the Expenses attending the Discharge of their Duties, shall pay thereout the Expenses and Debts aforesaid, and shall dispose of any Property then remaining in their hands as may be prescribed by Royal Warrant, to the end that the same may be applied for the Benefit of the Officer or Soldier to whom it belongs.

Power to War or India Office to apply Officer's Half Pay, in case of Insanity, for his Benefit.

XXXIV. Where an Officer is put on Half Pay on the Ground of Insanity, the Secretary of State for War, or the Secretary of State for *India* in Council, as the Case may be, may, if it seems fit, pay to the Person charged with the Care and Maintenance of such Officer all or any Part of his Half Pay, to be applied for his Care and Maintenance.

PART IV.

PART IV.

General Provisions.

Validity of Payments, Sales, &c. under this Act.

XXXV. Every Payment or Application of Money, and every Sale or other Disposition of Property, made by the Secretary of State for War, or by the Secretary of State for *India* in Council, or by any Committee of Adjustment, or by any Paymaster or other Officer or Person, in pursuance of this Act, or of any Royal Warrant for carrying this Act into effect, shall be good and valid as against all Persons whomsoever; and every such Secretary of State, and every Officer belonging to any such Committee, and every such Paymaster, Officer, or Person as aforesaid, shall be, by virtue of this Act, absolutely discharged from all Liability in respect of the Money or other Property so paid, applied, or disposed of.

Indemnity to Officers and others acting under it.

Further Regulations by Royal Warrant.

XXXVI. Her Majesty may from Time to Time, by Warrant under the Royal Sign Manual, do all such Things as are herein-before directed or authorized to be done by Royal Warrant, and also prescribe such Regulations as may seem fit, for the better Execution of any of the Purposes of this Act.

Every Royal Warrant made under this Act shall be laid before both Houses of Parliament within Fourteen Days after the making thereof, if Parliament is then sitting, and if not, then within Fourteen Days after the Commencement of the next Sitting of Parliament.

Commencement of Act.

XXXVII. This Act shall, with respect to the making of any Royal Warrant under it, take effect from its passing, and in all other respects shall take effect from the Time appointed for its Commencement in the Royal Warrant first made under it.

SCHE-

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title.	Extent of Repeal.
58 Geo. 3. c. 73.	An Act for regulating the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in Service, and the Receipt of Sums due to Soldiers.	Sections One, Two, and Three.
6 Geo. 4. c. 61.	An Act to amend Two Acts; of the Fifty-eighth Year of His late Majesty, for regulating the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in Service, and the Receipt of Sums due to Soldiers; and of the Fourth Year of His present Majesty, for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company.	The whole.
11 Geo. 4. & 1 Will. 4. c. 41.	An Act to make further Regulations with respect to Army Pensioners.	Section Five, except as to Pension or Prize Money.
20 & 21 Vict. c. 66.	An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and for regulating in such Service the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in the Service.	Sections Sixty-one to Sixty-six, both inclusive.
26 & 27 Vict. c. 8.	An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.	Sections Ninety-eight to One hundred and two, both inclusive.

CAP. LVIII.

An Act for confirming a Scheme of the Charity Commissioners for the Management of the Charity of Sir Robert Hitcham, *Knight, King's Serjeant, for the Benefit of* Framlingham, Debenham, *and* Levington, *in the County of* Suffolk, *and of* Coggeshall *in the County of* Essex.—[21*st* July 1863.]

CAP. LIX.

An Act for confirming a Scheme of the Charity Commissioners for the Management of the Charities in the Borough of Ruthin, *in the County of* Denbigh, *comprising the Hospital of* Christ *and its subsidiary Endowments, the Grammar School,* Edward Lloyd's *Foundation, and Bishop* Goodman's *Charity.*—[21*st* July 1863.]

CAP. LX.

An Act to confirm a certain Provisional Order under the General Police and Improvement (Scotland) *Act,* 1862, *relating to the Burgh of* Leith.—[21*st* July 1863.]

WHEREAS the Secretary of State for the Home Department, being One of Her Majesty's Principal Secretaries of State, has, under the Provisions of the General Police and Improvement (*Scotland*) Act, 1862, (25 & 26 *Vict.* cap. 101.,) duly made a certain Provisional Order, which is contained in the Schedule to this Act annexed, and it is provided by the first herein-before recited Act that no such Order shall be of any Validity whatever until it has been confirmed by Parliament; and it is expedient that the said Order shall be so confirmed: Be it therefore enacted by the Queen's most Excellent Majesty, by

25 & 26 Vict. c. 101.

by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same as follows:

Provisional Order in Schedule confirmed.

I. The Provisional Order contained in the Schedule hereunto annexed shall, from and after the passing of this Act, be absolute and be as binding and of the like Force and Effect as if the Provisions of the same had been expressly enacted in this Act, except in so far as the said Provisional Order is inconsistent with the Ninetieth Clause of the General Police and Improvement (*Scotland*) Act, 1862, the Provisions contained in which Clause shall apply to all Assessments which shall be made under the said Provisional Order or this Act upon Lands or Premises of the Description specified in that Clause.

This Act and 25 & 26 Vict. c. 101. to be as One.

II. This Act shall be deemed to be incorporated with the General Police and Improvement (*Scotland*) Act, 1862, and shall be as if this Act and the General Police and Improvement (*Scotland*) Act, 1862, were One Act.

Exemption in Sect. 45. of 11 & 12 Vict. c. cxxiii. to continue in force.

III. The Exemption contained in the Forty-fifth Clause of the Local Police Act recited in the said Provisional Order shall continue in full Force, notwithstanding the said General Police and Improvement (*Scotland*) Act, 1862, and shall extend to all Assessments to be made under the same other than the Assessment provided for under the One hundred and seventeenth Section of said Local Police Act, so far as the same may now be leviable under the General Police and Improvement (*Scotland*) Act, 1862, and the Assessments authorized under the Second Section of the said Provisional Order.

Short Title.

IV. In citing this Act in any other Act, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The General Police and Improvement (*Scotland*) Supplemental Act, 1862."

SCHEDULE referred to in the foregoing Act.

LEITH.

General Police and Improvement (Scotland) Act, 1862. (25 & 26 Vict. cap. 101.)

Whereas in pursuance of the General Police and Improvement (Scotland) Act, 1862, the Provost, Magistrates, and Council of the Burgh of Leith adopted the said Act, "in whole."

And whereas at the date of the said adoption there was in operation in the said Burgh a Local Police Act, in which were contained

contained certain matters not provided for in the said General Police and Improvement (Scotland) Act.

And whereas there is in the said Burgh a Local Act now in force (9 & 10 Vict. cap. cxxv.) having relation to certain Roads or Streets within the said Burgh, formerly called or known by the name of Statute Labour Roads or Streets, under which Acts an assessment is levied for the maintenance thereof upon "the "Tenants and Occupiers of Dwelling-houses," every other description of property being exempt from the said assessment.

And whereas a Petition under the said General Police and Improvement (Scotland) Act has been addressed to me, as one of Her Majesty's Principal Secretaries of State, praying for the repeal and alteration of certain portions of the said Local Act, and that provision may be made in respect thereto.

And whereas it is desirable to state the parts of the said Local Police Act which relate to matters not provided for by the Act so adopted as aforesaid, and remaining in force notwithstanding such adoption, and that provision should otherwise be made to regulate the future application and execution of the said General Act and the other Act above referred to now in force within the said Burgh.

And whereas due inquiry has been directed and held in respect of the matters mentioned in the said Petition.

Now, therefore, in pursuance of the powers vested in me by the said General Police and Improvement (Scotland) Act, 1862, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct that from and after any Act of Parliament confirming this Present Order—

1.—The parts of the Local Police Act 11 & 12 Vict. cap. cxxiii., mentioned in the Schedule hereunto annexed, shall be repealed, and the other parts of the said Act mentioned in the Schedule hereunto annexed shall be held as relating to matters not provided for in the above-mentioned General Police and Improvement (Scotland) Act, and not repealed; and the said General Police and Improvement (Scotland) Act, and the parts of the said Local Police Act not hereby repealed shall be incorporated and read as one Act so far as regards the Burgh of Leith.

2.—All future assessments for the maintenance of the said roads or streets under the superintendence and management of the Provost, Magistrates, and Council of the said Burgh of Leith, as Trustees for the Leith District of Roads, shall be charged upon or levied from the tenants and occupiers of all lands and heritages, instead of from "the ten- "ants and occupiers of dwelling-houses" only, and that according to the Valuation Roll made up and completed

in

in Terms of the Acts in force for the valuation of lands and heritages in Scotland, but only for a period of seven years from and after the first term of Whitsunday after the passing of the Act confirming this Provisional Order; and the whole powers and jurisdictions relative to the recovery of the Assessments presently levied for the maintenance of the said roads or streets now in force shall extend and apply to the assessments hereby authorized to be charged and levied.

3.—During the currency of the said period the said roads or streets shall be properly paved, and at the expiry of the said seven years the said assessment shall cease and determine, and thereafter the said roads or streets shall be maintained and dealt with in the same manner as the other streets of the Burgh, and all funds and all obligations applicable to the said other streets in the Burgh shall be applicable to the said roads or streets.

4.—In the event of the said roads or streets being paved to the satisfaction of the Provost, Magistrates, and Council of Leith, as Commissioners of Police for the said Burgh, within a less period than the period of seven years aforesaid, it shall be lawful for the said Provost, Magistrates, and Council, as Commissioners aforesaid, to undertake the future maintenance and repair thereof, in which event the separate assessments therefor shall cease and determine in the same manner as if the said period of seven years had expired.

5.—Nothing herein contained shall be deemed or construed to exempt the said roads or streets from the provisions of any General Act relating to Statute Labour Roads or Streets which may be passed during the present or any future Session of Parliament.

Given under my hand and seal this 19th day of June 1863.

(Signed) G. Grey.

SCHEDULE to which this Order refers.

The parts of the Local Police Act (11 & 12 Vict. cap. cxxiii.) referred to in this Order to be repealed, are as follows:—

So much of the herein-before Act of the 11th and 12th years of the reign of Her present Majesty (cap. cxxiii.) as is included in the sections thereof numbered respectively in the copies thereof printed by the Queen's Printers, 2, 8 to 14, both inclusive; 22 to 29, both inclusive; 31, 33 to 61, both inclusive; 68, 71, 72, 74 to 93, inclusive; 99 to 116, both

both inclusive; 118 to 261, both inclusive; and 263 to 270, both inclusive.

The parts of the said Local Police Act referred to in this Order to be held as not repealed, and to apply to the Burgh of Leith, are as follows:—

So much of the herein-before recited Act of the 11th and 12th years of the reign of Her present Majesty (cap. cxxiii.) as is included in the sections thereof numbered respectively in the copies thereof printed by the Queen's Printers, 1, 3, 4, 5, 6, 7, 15 to 21, inclusive; 30, 32, 62 to 67, inclusive; 69, 70, 73, 94 to 98, inclusive; 117, 262, and 271.

CAP. LXI.

An Act to prevent Waywardens contracting for Works within their own District.—[21*st* July 1863.] (England.)

CAP. LXII.

An Act to amend the Law relating to the Seizure of growing Crops in Ireland.—[21*st* July 1863.]

CAP. LXIII.

An Act to confirm certain Provisional Orders under the Land Drainage Act, 1861.—[21*st* July 1863.] (England and Wales.)

CAP. LXIV.

An Act to confirm certain Provisional Orders under the Local Government Act (1858), *relating to the Districts of* Plymouth, Holywell, Llanelly, West Ham, Worthing, Aberavon, *and* Wallasey.—[21*st* July 1863.]

CAP. LXV.

An Act to consolidate and amend the Acts relating to the Volunteer Force in Great Britain.—[21*st* July 1863.]

WHEREAS it is expedient to consolidate and amend the Acts relating to the Volunteer Force in *Great Britain*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited as The Volunteer Act, 1863.

PART I.

Organization of Volunteer Force.

Acceptance of Service.

Power to the Crown to accept Services through Lieutenants of Counties.

II. It shall be lawful for Her Majesty to accept the Services of any Persons desiring to be formed under this Act into a Volunteer Corps, and offering their Services to Her Majesty through the Lieutenant of a County.

On such Acceptance the proposed Corps shall be deemed lawfully formed under this Act as a Corps of that County.

Permanent Staff.

Power to the Crown to form a Permanent Staff.

III. Her Majesty may from Time to Time constitute for any Volunteer Corps a Permanent Staff, consisting of an Adjutant commissioned by Her Majesty, and of so many Serjeant Instructors as may seem fit, engaged and attested (according to Regulations under this Act) for a Period not exceeding Five Years, or of such an Adjutant, or of such Serjeant Instructors, alone.

For the Purposes of this Act, all such Adjutants shall be deemed Officers of the respective Corps, and all such Serjeant Instructors shall be deemed to belong to the respective Corps, on the Permanent Staff whereof they serve, and shall be deemed respectively Officers and Non-commissioned Officers of the Volunteer Permanent Staff; but nothing in this Act shall be taken to exempt any Officer or Non-commissioned Officer of the Permanent Staff of a Volunteer Corps from being subject to the Orders of the Officers of the Corps, according to their Rank and the Laws and Usages of Her Majesty's Forces.

If any Non-commissioned Officer of the Volunteer Permanent

ent Staff enrols himself as a Volunteer or Substitute in the Militia, or is attested to serve on the Permanent Staff thereof, or enlists in Her Majesty's Army, he may be tried and punished as a Deserter; or, if he confesses his Desertion, One of Her Majesty's Principal Secretaries of State, instead of causing him to be tried and punished as a Deserter, may, if it seems fit, cause him, in any such Case, to be returned to his Service on the Volunteer Permanent Staff, and to be there put under Stoppages until he has repaid the Amount of any Bounty received by him, and the Expenses attending his Enrolment, Attestation, or Enlistment,—or, in case of Enlistment in Her Majesty's Army, may cause him to be held to his Service in Her Majesty's Army, with a Direction, if it seems fit, that his Time of Service therein shall not be reckoned for Pension until the Time when his Engagement on the Volunteer Permanent Staff would have expired.

Any Non-commissioned Officer of the Volunteer Permanent Staff so enrolling himself, being attested, or enlisting, shall, nevertheless, be liable to deliver up in good Order, fair Wear and Tear only excepted, all Arms, Clothing, and Appointments issued to him as a Non-commissioned Officer of the Volunteer Permanent Staff; and in case of his being either returned to his Service on the Volunteer Permanent Staff, or held to his Service in Her Majesty's Army, One of Her Majesty's Principal Secretaries of State may, if it seems fit, cause him to be put under Stoppages until he has repaid the Value of any such Arms, Clothing, or Appointments not so delivered up.

Officers and Volunteers.

Officers commissioned by Lieutenant of County.

IV. Every Volunteer Corps shall (except as to the Officers of the Permanent Staff thereof) be officered by Persons appointed with Her Majesty's Approval, and commissioned by the Lieutenant of the County to which the Corps belongs.

A Commission issued in any Case under this Act by the Lieutenant of a County shall not be deemed vacated by the Revocation, Expiration, or Discontinuance of the Commission by which such Lieutenant was appointed.

Rank of Officers.

V. Officers of the Volunteer Force shall rank with Officers of Her Majesty's Regular and Militia Forces as the youngest of their respective Ranks, and shall rank with Officers of the Yeomanry Force according to the Rank and Date of their respective Commissions in the respective Forces.

As to Command of Volunteer Officers over other Forces.

Officers of the Volunteer Force, when not on actual Military Service, shall not be entitled to exercise any Military Command over any of Her Majesty's other Forces, and when on actual Military Service shall not be entitled to exercise any such Command

mand otherwise than as may be from Time to Time prescribed by the Mutiny Act or Articles of War.

As to Members of H. C. accepting Commissions.

The Acceptance of a Commission in the Volunteer Force by a Member of the Commons House of Parliament shall not render his Seat vacant.

Oath to be taken as in Schedule.

VI. Every Officer shall, on receiving his Commission, and every Volunteer shall, on his Enrolment in the Muster Roll of his Corps, or in either Case as soon afterwards as may be, take the Oath set forth in the Schedule to this Act, to be administered by the Lieutenant of the County to which the Corps belongs, or by a Deputy Lieutenant or Justice of the Peace for the County, or by an Officer of the Corps who has taken such Oath.

Power for Volunteer to quit his Corps on Conditions herein stated.

VII. Any Volunteer may, except when on actual Military Service, quit his Corps on complying with the following Conditions; namely,—

(1.) giving to the Commanding Officer of his Corps Fourteen Days Notice in Writing of his Intention to quit the Corps:

(2.) delivering up in good Order, fair Wear and Tear only excepted, all Arms, Clothing, and Appointments, being Public Property or Property of his Corps, issued to him:

(3.) paying all Money due or becoming due by him, under the Rules of his Corps, either before or at the Time or by reason of his quitting it:

and thereupon he shall be struck out of the Muster Roll of the Corps by the Commanding Officer.

If any Volunteer gives such Notice, and the Commanding Officer refuses to strike him out of the Muster Roll, and the Volunteer considers himself aggrieved thereby, the Volunteer may appeal to Two Justices of the Peace for the County to which the Corps belongs, usually acting within the Petty Sessional Division in which the Head Quarters of the Corps are situate, and not being Members of the Corps, who shall hear and determine the Appeal, and may, for the Purposes thereof, administer Oaths and examine any Person as a Witness; and if it appears to such Justices that the Arms, Clothing, and Appointments issued to the Volunteer, being Public Property or Property of his Corps, have been delivered up in good Order (fair Wear and Tear only excepted), or that he has paid or is ready to pay sufficient Compensation for any Damage that such Articles may have sustained, and that all Money due or becoming due by him under the Rules of his Corps, either before or at the Time or by reason of his quitting it, has been paid, such Justices may order the Commanding Officer forthwith to strike such Volunteer out of the Muster Roll of his Corps, and their Determination shall be binding on all Persons.

VIII. If

VIII. If any Volunteer enrols himself as a Volunteer or Substitute in the Militia, or is attested to serve on the Permanent Staff thereof, or enlists in Her Majesty's Army, he shall be deemed discharged from the Volunteer Force, and the Commanding Officer of his Corps shall strike him out of the Muster Roll thereof. As to Discharge of Volunteer taking Service in Militia or Army.

He shall, nevertheless, be liable to deliver up in good Order, fair Wear and Tear only excepted, all Arms, Clothing, and Appointments, being Public Property or Property of his Corps, issued to him, and to pay all Money due or becoming due by him, under the Rules of his Corps, either before or at the Time or by reason of his Discharge. If such Arms, Clothing, and Appointments are not so delivered up by him, or such Money is not paid by him, then, without Prejudice to any Proceeding or Remedy against him under this Act, he may, under an Order of One of Her Majesty's Principal Secretaries of State, if it seems fit, be put under Stoppages out of any Bounty or Pay receivable by him, or both, until the Value of such Arms, Clothing, or Appointments not so delivered up, or such Money (as the Case may be), is fully paid.

General Command.

IX. Whenever any Volunteers are on actual Military Service, or are undergoing Inspection, or are voluntarily doing any Military Duty, Her Majesty may put them and their Officers under the Command of such General or Field Officers of Her Majesty's Army, senior in Rank to every Officer of the Volunteer Force to be so put under their Command, as Her Majesty may appoint or designate; but so, nevertheless, that the Volunteers put under such Command shall be led by their own Officers under such Command. Power to the Crown to put Volunteers under Command of General or Field Officers.

Inspection.

X. An annual Inspection of every Volunteer Corps shall be held by a General or Field Officer of Her Majesty's Army. Annual Inspection.

Efficiency.

XI. Her Majesty in Council may from Time to Time declare what is requisite to entitle a Volunteer to be deemed an efficient Volunteer, by an Order in Council defining, for that Purpose, the Extent of Attendance at Drill to be given by the Volunteer, and the Course of Instruction to be gone through by him, and the Degree of Proficiency in Drill and Instruction to be attained by him and his Corps, such Proficiency to be judged of by the Inspecting Officer at the annual Inspection of the Corps, or otherwise, as by Order in Council is from Time to Time directed. Requisites of Efficiency to be declared by Order in Council.

The

The Draft of any Scheme to be from Time to Time submitted to Her Majesty in Council for Approval under the present Section shall have been laid before both Houses of Parliament for One Lunar Month at least, either before or after or partly before and partly after the passing of this Act, during the present or for the like Period during any subsequent Session of Parliament, before such Scheme receives the Approval of Her Majesty in Council.

Disbanding of Corps.

Power to the Crown to disband Corps.

XII. Her Majesty may disband or discontinue the Services of any Volunteer Corps, or any Part thereof, whenever it seems to Her Majesty expedient to do so.

Existing Corps.

Power to the Crown to continue Services of Corps already formed.

XIII. It shall be lawful for Her Majesty to continue the Services of all Volunteer Corps whose Services have been accepted before the passing of this Act; and the Services of every such Corps shall be deemed to be continued by Her Majesty unless and until Her Majesty thinks fit to exercise the Power of disbanding or discontinuing the Services of the Corps.

The Provisions of this Act shall apply to every such Corps, as if its Services were accepted under this Act, without Prejudice to anything already done in relation to or by any such Corps.

Administrative Organization.

Power to Crown to appoint a Permanent Staff on Formation of Administrative Regiments.

XIV. Where Two or more separate Volunteer Corps are formed by the Authority of One of Her Majesty's Principal Secretaries of State into a united Body for Military or Administrative Purposes, herein-after called an Administrative Regiment, Her Majesty may from Time to Time constitute for such Regiment a Permanent Staff consisting of an Adjutant commissioned by Her Majesty, and of so many Serjeant Instructors as may seem fit, engaged and attested (according to Regulations under this Act) for a Period not exceeding Five Years, or of such an Adjutant, or of such Serjeant Instructors, alone.

For the Purposes of this Act all such Adjutants shall be deemed Officers of the respective Administrative Regiments, and all such Serjeant Instructors shall be deemed to belong to the respective Administrative Regiments, on the Permanent Staff whereof they serve, but not to be Officers of or to belong to any of the separate Corps formed into those Regiments, and shall be deemed respectively Officers and Non-commissioned Officers of the Volunteer Permanent Staff; but nothing in this Act shall be taken to exempt any Officer or Non-commissioned Officer

Officer of the Permanent Staff of such a Regiment from being subject to the Orders of the Officers of the Regiment and of the separate Corps formed into the same, according to their Rank, the Laws and Usages of Her Majesty's Forces, and any Regulations under this Act.

Every such Regiment shall (except as to the Officers of the Permanent Staff thereof, and except as to the Officers of the separate Corps formed into such Regiment,) be officered by Persons appointed with Her Majesty's Approval, and commissioned as Officers of such Regiment by the Lieutenant of the County within whose Jurisdiction the Head Quarters of the Regiment are situate.

Notwithstanding the Formation of any such Regiment, the separate Corps formed into the same shall be severally deemed Volunteer Corps for all the Purposes of this Act.

Courts of Inquiry.

XV. The Lieutenant of the County to which a Volunteer Corps belongs, or within whose Jurisdiction the Head Quarters of an Administrative Regiment are situate, may at any Time assemble a Court of Inquiry to inquire into any Matter relative to the Corps or Regiment, or to any Officer or Volunteer or Non-commissioned Officer of the Permanent Staff belonging thereto, and to record the Facts and Circumstances ascertained on such Inquiry, and, if required, to report on the same, for the Information and Assistance of such Lieutenant; such Court, where the Inquiry is with reference to an Officer, to be composed of Officers of the Volunteer Force belonging to the County, and in other Cases to be composed either of Officers and Volunteers belonging to the Corps or Regiment, or of such Officers, or of such Volunteers.

Lieutenant of County may assemble a Court of Inquiry, to report to the Lieutenant or the Commanding Officer.

The Commanding Officer of a Volunteer Corps or Administrative Regiment may at any Time assemble a Court of Inquiry, composed either of Officers and Volunteers belonging to the Corps or Regiment, or of such Officers, or of such Volunteers, to inquire into any Matter relative to the Corps or Regiment, or to any Volunteer or Non-commissioned Officer of the Permanent Staff belonging thereto, and to record the Facts and Circumstances ascertained on such Inquiry, and, if required, to report on the same, for the Information and Assistance of the Commanding Officer; but nothing herein shall authorize any Inquiry with reference to an Officer otherwise than by a Court assembled by Direction of such Lieutenant of the County as aforesaid, and composed exclusively of Officers of the Volunteer Force belonging to such County.

Regulations

Regulations.

Power to Secretary of State to make Regulations for Government of Volunteer Force.

XVI. One of Her Majesty's Principal Secretaries of State may from Time to Time make Regulations respecting anything in this Act directed or authorized to be done or provided by Regulation, and also such Regulations as may seem fit (not being inconsistent with any of the Provisions of this Act) respecting—

the Appointment and Promotion of Officers; and

the assembling and Proceedings of Courts of Inquiry to inquire into and report on any Matter connected with the Government or Discipline of a Volunteer Corps or Administrative Regiment;

and for the full Execution of this Act, and the general Government and Discipline of the Volunteer Force, and may alter or repeal any such Regulations; and may call for such Returns as may from Time to Time seem requisite.

PART II.

Actual Military Service.

In case of Invasion, Power to the Crown to call out Volunteers for actual Military Service.

XVII. In case of actual or apprehended Invasion of any Part of the United Kingdom (the Occasion being first communicated to both Houses of Parliament if Parliament is sitting, or declared in Council and notified by Proclamation if Parliament is not sitting,) Her Majesty may direct the Lieutenants of Counties throughout *Great Britain*, or such of them as Her Majesty may judge necessary, to call out the Volunteer Corps of their respective Counties, or any of them, for actual Military Service.

Every Officer and Volunteer and every Non-commissioned Officer of the Permanent Staff belonging to every Corps so called out shall be bound to assemble as the Lieutenant of the County directs, and to march according to Orders, within *Great Britain*; and, from the Time of his Corps being so called out, shall, for the Purposes of this Act, be deemed on actual Military Service. If any such Officer, Volunteer, or Non-Commissioned Officer, not incapacitated by Infirmity for Military Service, refuses or neglects to so assemble or march, he shall be deemed a Deserter.

Allowances to Volunteer Corps so called out.

XVIII. Whenever a Volunteer Corps is called out for actual Military Service, the following Provisions shall take effect:—

(1.) There shall be issued, in manner provided by Regulation, the Sum of Two Guineas for the Use of every Officer and Volunteer and Non-commissioned Officer of the Permanent Staff belonging to and assembling with the

the Corps (except such of them as do not desire to receive the Benefit thereof); and each such Sum, or so much thereof as the Commanding Officer of the Corps thinks fit, shall be laid out, under the Direction of the Commanding Officer, in providing Necessaries for each such Officer, Volunteer, and Non-commissioned Officer; and within One Month after Receipt thereof, an Account shall be settled with each such Officer, Volunteer, and Non-commissioned Officer, respecting the Application thereof, and any unapplied Residue thereof shall be paid to him:

(2.) Such Officers, Volunteers, and Non-commissioned Officers shall be entitled to receive Pay and to be billeted and quartered as the Officers, Non-commissioned Officers, and Soldiers of Her Majesty's Army, and to have Relief for their Wives and Families (being unable to support themselves) as the Officers, Non-commissioned Officers, and Men of the Militia of *England* and *Scotland* respectively, according as the Corps belongs to *England* or to *Scotland*:

(3.) On the Release of the Corps from actual Military Service there shall be paid, in manner provided by Regulation, One Guinea to every such Officer, Volunteer, and Non-commissioned Officer present with the Corps at the Time of such Release (except such of them as do not desire to receive the same), in addition to his Pay.

As to Release of Corps from actual Military Service.

XIX. After a Volunteer Corps has been called out for actual Military Service, the Corps shall be deemed released from actual Military Service only by an Order in Writing, signed by the Lieutenant of the County to which the Corps belongs, and addressed and delivered to the Commanding Officer of the Corps; which Order the Lieutenant of the County shall issue upon and as soon as may be after a Proclamation of Her Majesty declaring the Occasion to have passed, and not sooner or otherwise.

Before a Volunteer Corps is released from actual Military Service, the Corps shall be returned to the County to which it belongs.

Provision for Officers and Men disabled, and for Widows of Officers killed.

XX. An Officer of the Volunteer Force disabled on actual Military Service shall be entitled to Half Pay, according to his Rank; and the Widow of such an Officer killed on actual Military Service shall be entitled to the like Pension for Life as the Widow of an Officer of Her Majesty's Army.

A Volunteer or Non-commissioned Officer of the Volunteer Permanent Staff, disabled on actual Military Service, shall, according to his Rank, be entitled to the like Pension and other Benefits, if any, as a Soldier of Her Majesty's Army.

PART III.

Discipline.

Officers and Volunteers.

As to Discipline of Volunteers while not on actual Military Service.

XXI. With respect to the Discipline of Officers (other than Officers of the Volunteer Permanent Staff) and Volunteers, the following Provisions shall take effect and be in force while they are not on actual Military Service:—

(1.) The Commanding Officer of a Volunteer Corps may discharge from the Corps any Volunteer, and strike him out of the Muster Roll, either for Disobedience of Orders by him while doing any Military Duty with his Corps, —or for Neglect of Duty, or Misconduct by him, as a Member of the Corps,—or for other sufficient Cause,— the Existence and Sufficiency of such Causes respectively to be judged of by the Commanding Officer. The Volunteer so discharged shall, nevertheless, be liable to deliver up in good Order, fair Wear and Tear only excepted, all Arms, Clothing, and Appointments, being Public Property or Property of his Corps, issued to him, and to pay all Money due or becoming due by him, under the Rules of his Corps, either before or at the Time or by reason of his Discharge. But nothing herein shall prevent Her Majesty from signifying Her Pleasure in such Manner, and giving such Directions, with respect to any such Case of Discharge, as to Her Majesty may appear just and proper:

(2.) If any such Officer as aforesaid or any Volunteer, while under Arms or on March or Duty with the Corps or Administrative Regiment to which he belongs, or any Portion thereof,—or while engaged in any Military Exercise or Drill with such Corps or Regiment, or any Portion thereof,—or while wearing the Clothing or Accoutrements of such Corps or Regiment, and going to or returning from any place of Exercise or Assembly of such Corps or Regiment,—disobeys any lawful Order of any Officer under whose Command he then is, or is guilty of Misconduct,—the Officer then in Command of the Corps or Regiment, or any superior Officer under whose Command the Corps or Regiment then is, may order the Offender, if an Officer, into Arrest, and if not an Officer, into the Custody of any Volunteer belonging to

to the Corps or Regiment or of any Non-commissioned Officer of the Volunteer Permanent Staff,—but so that the Offender be not kept in such Arrest or Custody longer than during the Time of the Corps or Regiment, or such Portion thereof as aforesaid, then remaining under Arms, or on March or Duty, or assembled, or continuing engaged in any such Military Exercise or Drill, as aforesaid.

Permanent Staff.

As to Discipline of Permanent Staff while not on actual Military Service.

XXII. With respect to the Discipline of Officers and Non-commissioned Officers of the Volunteer Permanent Staff, the following Provisions shall take effect and be in force while they are not on actual Military Service :—

(1.) All the Provisions of the Mutiny Act (as far as they relate to *Great Britain*) shall extend to and apply to and in the Case of the Officers and Non-commissioned Officers of the Volunteer Permanent Staff, and those Officers and Non-commissioned Officers shall be subject to the Mutiny Act, and shall also be entitled to the Benefits thereof, in all respects as the Officers and Soldiers of Her Majesty's Army for the Time being are, and as if the Volunteer Permanent Staff belonged to and formed part of Her Majesty's Army, subject only to the following Variations and Provisions :—

(i.) When the assembling of a Court-martial for the Trial of an Officer or Non-commissioned Officer of the Volunteer Permanent Staff becomes necessary, a General or District Court-martial (as the Case may require) shall be convened by One of Her Majesty's Principal Secretaries of State, authorized by Commission or Warrant under the Royal Sign Manual to convene Courts-martial under the present Section ; and such Secretary of State shall in all Cases and for all Purposes be substituted for the convening Officer under the Mutiny Act, and shall cause every such Court-martial to assemble with all practicable Speed after it is convened ; and a Court-martial shall not sit in any case for the Trial of an Officer or Non-commissioned Officer of the Volunteer Permanent Staff without being so convened ;

(ii.) Every such General Court-martial shall consist of not less than Nine Members, and every such District Court-martial shall consist of not less than

than Five Members; and every such Court-martial shall (except as to the President thereof) be composed of such Officers of the Volunteer Permanent Staff as the Secretary of State directs; and the President shall be a Field Officer of the Volunteer Force appointed by the Secretary of State;

(iii.) Sentences of District Courts-martial under the present Section shall not be put in execution until confirmed by One of Her Majesty's Principal Secretaries of State, authorized in that behalf by Warrant under the Royal Sign Manual; and with respect to the Execution of the Sentence of any Court-martial under the present Section, One of Her Majesty's Principal Secretaries of State shall in all Cases have the like Powers as Her Majesty's Principal Secretary of State for the War Department, or the Officer confirming the Sentence of a Court-martial, has in certain Cases or Events, with respect to the Execution of the Sentences of Courts-martial under the Mutiny Act:

(2.) Whenever a Court-martial is ordered to assemble for the Trial of a Non-commissioned Officer of the Volunteer Permanent Staff, One of Her Majesty's Principal Secretaries of State may, if he thinks it expedient, issue his Warrant under his Hand for the Apprehension of such Non-commissioned Officer, and also his Warrant under his Hand for the Commitment of such Non-commissioned Officer for safe Custody to a Public Prison, Gaol, or House of Correction near the Place where the Court-martial is to sit, which Warrants respectively shall be in the Forms set forth in the Schedule to this Act, with such Variations as Circumstances require:

(3.) The Keeper of such Public Prison, Gaol, or House of Correction, or his Deputy, shall, on Production of any such Warrant of Commitment, receive the Non-commissioned Officer of the Volunteer Permanent Staff named therein into his Custody, and shall keep him in safe Custody in all respects as if he were committed by Warrant of Justices of the Peace on a Charge of Suspicion of Misdemeanor, or in *Scotland* of an Offence, but without Bail, until One of Her Majesty's Principal Secretaries of State orders the Discharge of such Non-commissioned Officer, or until he is otherwise delivered from such Custody by due Course of Law, or until he is delivered over to undergo any Punishment imposed by Sentence of a Court-martial; and such Keeper or Deputy

Deputy shall, in the meantime, from Time to Time as Occasion requires, bring up such Non-commissioned Officer in Custody before a Court-martial sitting for his Trial:

(4.) If any Keeper of a Public Prison, Gaol, or House of Correction, or his Deputy, refuses or neglects to receive or keep any Non-commissioned Officer of the Volunteer Permanent Staff in manner herein-before prescribed, such Keeper or Deputy shall for every such Offence be liable to a Penalty not exceeding One hundred Pounds, to be recovered in *England* by Action in a Superior Court of Law at *Westminster*, in *Scotland* by Proceedings in the Court of Session, and in the *Isle of Man* by Proceedings in any Court of competent Jurisdiction, and to be applied to the Use of Her Majesty.

Actual Military Service.

As to Discipline of Volunteer Force when on actual Military Service.

XXIII. With respect to the Discipline of Officers of the Volunteer Force and Volunteers and Non-commissioned Officers of the Volunteer Permanent Staff, the following Provision shall take effect and be in force when they are on actual Military Service; namely,—All the Provisions of the Mutiny Act (as far as they relate to *Great Britain*) shall extend to and apply to and in the Case of all Officers of the Volunteer Force and Volunteers and Non-commissioned Officers of the Volunteer Permanent Staff, and those Officers, Volunteers, and Non-commissioned Officers shall be subject to the Mutiny Act, and shall also be entitled to the Benefits thereof, in all respects as the Officers and Soldiers of Her Majesty's Army for the Time being are, and as if the Volunteer Force, including the Volunteer Permanent Staff, belonged to and formed Part of Her Majesty's Army, subject only to this Variation,—that a Court-martial for the Trial of an Officer of the Volunteer Force or Volunteer or Non-commissioned Officer of the Volunteer Permanent Staff shall be composed of Officers of the Volunteer Force only.

PART IV.

Rules and Property of Corps.

Power for Corps to

XXIV. The Officers and Volunteers belonging to a Volunteer Corps may from Time to Time make Rules for the Management

make Rules, subject to the Approval of the Crown.

agement of the Property, Finances, and Civil Affairs of the Corps, and may alter or repeal any such Rules; but any such Rules shall not have Effect unless and until the Commanding Officer of the Corps thinks fit to transmit the same to the Lieutenant of the County to which the Corps belongs, and such Lieutenant thinks fit to submit the same for Her Majesty's Approval, and such Approval, signified through One of Her Majesty's Principal Secretaries of State, is notified by such Lieutenant to the Commanding Officer of the Corps, to be by him forthwith communicated to the Corps; whereupon the Rules so approved shall be binding on all Persons.

A Copy of the Rules in Print or Writing, or partly in Print and partly in Writing, certified under the Hand of the Commanding Officer as a true Copy of the Rules whereof Her Majesty's Approval has been notified as aforesaid, shall be conclusive Evidence of the Rules of the Corps.

Vesting of Property of Corps in Commanding Officer ex officio.

XXV. All Money subscribed by or to or for the Use of a Volunteer Corps or Administrative Regiment, and all Effects belonging to any such Corps or Regiment, or lawfully used by it, not being the Property of any individual Officer or Volunteer or Non-commissioned Officer of the Volunteer Permanent Staff belonging to the Corps or Regiment, and the exclusive Right to sue for and recover current Subscriptions, Arrears of Subscriptions, and other Money due to the Corps or Regiment, and all Lands acquired by the Corps or Regiment, shall vest in the Commanding Officer of the Corps or Regiment for the Time being, and his Successors in Office, with Power for him and his Successors to sue, to make Contracts and Conveyances, and to do all other lawful Things relating thereto; and any Civil or Criminal Proceeding taken by virtue of the present Section by the Commanding Officer of a Corps or Regiment shall not be discontinued or abated by his Death, Resignation, or Removal from Office, but may be carried on by and in the Name of his Successor in Office.

Appointment of Storehouses for Arms.

XXVI. The Commanding Officer of a Volunteer Corps or Administrative Regiment, receiving any Arms, Ammunition, or other Stores supplied at the Public Expense or by Subscription, shall, subject to the Approval of the Lieutenant of the County to which the Corps belongs, or in which the Head Quarters of the Administrative Regiment are situate (as the Case may be), appoint a proper Storehouse for the depositing and safe keeping of such Arms, Ammunition, or Stores. Every such Storehouse shall be free from all County, Parochial, or other local Rates and Assessments. All Exemptions contained in The Gunpowder Act, 1860, or any Act amending the same, relative to Storehouses, Magazines, or Places belonging to or held for the

As to Exemptions

the Service of the Crown, shall extend to any Storehouse appointed under the present Section with the Approval of the Lieutenant of a County, if also approved of by One of Her Majesty's Principal Secretaries of State, as a fit Place for the storing of Ammunition, but not otherwise. in 23 & 24 Vict. c. 139.

XXVII. If any Person belonging or having belonged to a Volunteer Corps or Administrative Regiment neglects or refuses to pay any Money subscribed or undertaken to be paid by him towards any of the Funds or Expenses of such Corps or Regiment, or due under the Rules of such Corps, and actually payable by him, or to pay any Fine incurred by him under the Rules of such Corps,—such Money or Fine shall (without Prejudice to any other Remedy) be recoverable from him, with Costs, at any Time within Twelve Months after the same becomes due and payable, as a Penalty under this Act is recoverable, and when recovered shall be applied as Part of the general Fund of the Corps or Regiment. Recovery of Subscriptions or Fines.

XXVIII. If any Person designedly makes away with, sells, pawns, wrongfully destroys, wrongfully damages, or negligently loses, any Thing issued to him as a Volunteer,—or wrongfully refuses or wrongfully neglects to deliver up, on Demand, any Thing issued to him as a Volunteer,—the Value thereof shall be recoverable from him, with Costs, as a Penalty under this Act is recoverable; and he shall also for every such Offence of designedly making away with, selling, pawning, or wrongfully destroying as aforesaid be liable, on the Prosecution of the Commanding Officer of the Corps or Administrative Regiment issuing the Thing made away with, sold, pawned, or destroyed, to a Penalty not exceeding Five Pounds. Wrongful Sale, Non-delivery, &c. of Public or Corps Property.

XXIX. If any Person knowingly buys or takes in exchange from any Volunteer or any Person acting on his Behalf,—or solicits or entices any Volunteer to sell,—or knowingly assists or acts for any Volunteer in selling,—or has in his Possession or Keeping, without satisfactorily accounting for,—any Arms, Clothing, or Appointments being Public Property or Property of any Volunteer Corps or Administrative Regiment, or any Public Stores or Ammunition issued for the Use of any such Corps or Regiment,—he shall, on the First Commission by him of any such Offence, be liable to a Penalty not exceeding Twenty Pounds, and shall, on a Second and every other subsequent Commission by him of any such Offence, and on being convicted thereof in the like Course of Proceeding as that in which any such Penalty is recoverable, be liable to a Penalty not exceeding Twenty Pounds or less than Five Pounds, with or without Imprisonment for any Term not exceeding Six Months, with or without Hard Labour. Wrongful buying of Arms, &c. from Volunteers.

The

The Justices before whom any Person is convicted of any Offence under the present Section shall transmit the Conviction to the next Court of General or Quarter Sessions held for the County or Place where the Conviction is had, there to be kept by the proper Officer among the Records of the Court; and on the Prosecution of any Person for any subsequent Offence under the present Section, a Copy of such Conviction, certified by the proper Officer of the Court, or proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence, and such Conviction shall be presumed not to have been quashed on Appeal until the contrary is shown.

As to wilful Injury to Butts or Targets.

XXX. If any Person wilfully commits any Damage to any Butt or Target belonging to or lawfully used by any Volunteer Corps or Administrative Regiment, or, without the Leave of the Commanding Officer of the Corps or Regiment, searches for Bullets in or otherwise disturbs the Soil forming such Butt or Target, he shall for every such Offence be liable, on the Prosecution of the Commanding Officer, to a Penalty not exceeding Five Pounds.

PART V.

Acquisition of Land for Ranges.

Power to Corps to purchase Land with Consent of Secretary of State.

XXXI. Subject to the Provisions of this Part of this Act, any Volunteer Corps may, with the Assent of One of Her Majesty's Principal Secretaries of State, purchase, take on Lease, or otherwise acquire any Land or Easement in Land for Rifle or Artillery Practice, and for the Erection of Butts, Targets, Batteries, and other Accommodations for the Use of the Corps when practising with Rifles or Artillery.

Before giving his Assent, the Secretary of State shall send an Inspector to the Land for the Purpose of ascertaining its Capabilities for being converted into a Rifle or Artillery Practice Ground with due Regard to the Safety and Convenience of the Public, and shall give or withhold his Assent accordingly.

8 & 9 Vict. c. 18. and 8 & 9 Vict. c. 19. relating to Purchase of Lands incorporated with this Part of Act.

XXXII. So much of the Lands Clauses Consolidation Act, 1845, and of the Lands Clauses Consolidation (*Scotland*) Act, 1845, and of any Act amending the said Acts, as relates to the Purchase of Land by Agreement, shall be incorporated with this Part of this Act.

Construction of Terms, &c. of this Part of Act, with refer-

In the Construction of this Part of this Act with the said incorporated Provisions, this Part of this Act shall be deemed the Special Act; and the Volunteer Corps desirous of purchasing Land shall be deemed the Promoters of the Undertaking; and under the Term Land a permanent Right of Shooting and Drilling

ing or any other Interest or Easement in Land shall be included, and may be alone conveyed, while the Fee Simple or other Interest in such Land is reserved. ence to incorporated Provisions.

XXXIII. Any Person seised or entitled in Fee Tail or for Life of or to any Manor or Lands of Freehold, Copyhold, or Customary Tenure, and having the beneficial Interest therein, or in *Scotland* being the Proprietor under Entail, and in possession for the Time being, may, by way of Gift, grant, convey, or enfranchise in Fee Simple or for a Term of Years any Quantity not exceeding Four Acres of such Land, or any limited Right over Land to any Extent not exceeding Twenty Acres, to any Volunteer Corps, to be used by the Corps for the Purposes of this Part of this Act; but so that any such Grant, Conveyance, or Enfranchisement made by any Person seised or entitled for Life only of or to any such Manor or Lands shall not be valid beyond his own Life, unless the Person next entitled in Remainder, in Fee Simple, or Fee Tail (if legally competent) is a Party to and joins in such Grant, Conveyance, or Enfranchisement: Power for Landowner to give Land to be used for Purposes of this Part of Act.

Provided, that in the event of any Land granted, conveyed, or enfranchised as aforesaid ceasing to be used for the Purposes of this Part of this Act, the same shall thereupon immediately revert to and become a Portion of the Estate of which it formed Part before the Grant, Conveyance, or Enfranchisement was made.

XXXIV. The Chief Commissioner of Her Majesty's Works and Public Buildings may grant to any Volunteer Corps the Right to use for the Purpose of Rifle Practice or Drill any Portion of such Royal Parks, Gardens, and Possessions as are under his Management, upon such Terms, for such Time, not exceeding Twenty-one Years, and subject to such other Conditions, as he thinks fit; but any such Grant shall be at all Times revocable by Her Majesty. Power to Commissioner of Works to grant Right of shooting in Royal Parks, &c.

XXXV. A Licence to use, for the Purposes of this Part of this Act, any Portion not exceeding Four Acres of the Lands herein-after mentioned, may be granted to any Volunteer Corps as follows: Power to certain Authorities to grant Licences to use Lands.

(1.) In the Case of Lands belonging to the Crown—

By the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, on behalf of Her Majesty, with the Consent of the Commissioners of Her Majesty's Treasury:

(2.) In the Case of Lands forming Part of the Possessions of the Duchy of *Lancaster*—

By the Chancellor and Council of the Duchy by Deed under the Hand and Seal of the Chancellor, attested by the Clerk of the Council:

(3.) In the Case of Lands forming Part of the Possessions of the Duchy of *Cornwall*—

By the Duke of *Cornwall* or other the Persons for the Time being having Power to dispose of Lands belonging to the Duchy:

Provided—

First. That no such Licence shall be granted for a longer Term than Twenty-one Years; but any Licence, when granted, may be renewed by the same Authority that would have Power to grant the same:

Secondly. That in the event of any Land to which any such Licence relates ceasing to be used for the Purposes of this Part of this Act, that Licence shall thereupon cease absolutely.

Power to Corporations, Justices, Trustees, &c. to grant Licence to use Land.

XXXVI. Any Corporation, Ecclesiastical or Lay, Sole or Aggregate, any Officer, Justices of the Peace, Trustees, or Commissioners holding Land for Public, Ecclesiastical, or Parochial Purposes, may grant and from Time to Time renew any Licence for the Use, during any Term not exceeding Twenty-one Years, by any Volunteer Corps, for the Purposes of this Part of this Act, of any Land not exceeding Four Acres vested in such Corporation, Officers, Justices, Trustees, or Commissioners, subject to the following Provisions:

(1.) That an Ecclesiastical Corporation Sole below the Dignity of a Bishop shall not make such a Grant without the Consent in Writing of the Bishop to whose Jurisdiction he is subject, and of the Patron of the Preferment to which the Land belongs, or the Guardians or Trustees of such Patron:

(2.) That such a Licence shall not be granted in respect of Parochial Property without the Consent of the Majority of the Ratepayers and Owners of Property in the Parish to which the same belongs, assembled at a Meeting convened according to the Mode pointed out by the Act of the Session of the Fifth and Sixth Years of King *William* the Fourth, (Chapter Sixty-nine,) "to facilitate "the Conveyance of Workhouses and other Property of "Parishes, and of Incorporations or Unions of Parishes, "in *England* and *Wales*," and of the Poor Law Commissioners, testified by their Seal being affixed to the Deed of Grant, and of the Guardians of the Poor of the Union within which the Parish is comprised, or of the Guardians of the Poor of the Parish where the Administration of the Relief of the Poor therein is subject to a Board of Guardians, testified by such Guardians being the Parties to make the Grant:

5 & 6 W. 4. c. 69.

(3.) That

(3.) That where any Officers, Trustees, or Commissioners other than Parochial Trustees make any such Grant, it shall be sufficient if a Majority or Quorum authorized to act of such Officers, Trustees, or Commissioners assembled at a Meeting duly convened assent to such Grant and execute the Deed of Grant, although they do not constitute a Majority of the actual Body of such Officers, Trustees, or Commissioners:

(4.) That the Justices of the Peace may give their Consent to the making of any such Grant in respect of Land belonging to any County, Riding, or Division by Vote at their General Quarter Sessions, and may direct the same to be made in the Manner directed to be pursued on the Sale of the Sites of Gaols by the Act of the Seventh Year of King *George* the Fourth (Chapter Eighteen), "to authorize the Disposal of unnecessary "Prisons in *England*:" 7 G. 4. c. 18.

(5.) That, in the event of any Land to which any such Licence relates ceasing to be used for the Purposes of this Part of this Act, that Licence shall thereupon cease absolutely.

Power to Justices to stop up or divert Footpaths for Purposes of this Part of Act.

XXXVII. Where a Footpath crosses or runs inconveniently or dangerously near to any Land purchased or acquired, or in respect of which any Licence is granted, for the Purposes of this Part of this Act, such Footpath may, with the Consent of the Vestry of the Parish in which the same is situate, and upon the Certificate of Two Justices that the Footpath to be substituted is convenient for the Public, be stopped up or diverted. All Proceedings to obtain such Certificate, and to stop up or divert such Footpath, shall be taken in the Manner in which Proceedings are directed to be taken by the Act of the Session of the Fifth and Sixth Years of King *William* the Fourth (Chapter Fifty), "to consolidate and amend the Laws relating "to Highways in that Part of *Great Britain* called *England*," in Cases where a Person other than the Inhabitants in Vestry is desirous of stopping up, diverting, or turning a Highway, or as near thereto as Circumstances admit; with this Exception, that the Certificate of the Justices shall be conclusive in Cases where it states the Fact of their having viewed the Footpath to be stopped up or diverted, and that the proposed new Footpath is convenient for the Public.

Proceedings to be taken as directed by 5 & 6 W. 4. c. 50.

Power to Secretary of State to make Byelaws.

XXXVIII. One of Her Majesty's Principal Secretaries of State, with a view to the Safety and Convenience of the Public, may make Byelaws for the Regulation of Shooting on Grounds purchased, acquired, or used by any Volunteer Corps under this Part of this Act, and for the Prevention of Intrusion thereon

thereon during the Times of Shooting. Any such Byelaws may impose a reasonable pecuniary Penalty, not exceeding Five Pounds, for any Breach of a Byelaw, so that the Byelaw be so framed as to admit of Part only of the maximum Penalty being ordered to be paid; such Penalties to be recoverable and applicable as Penalties imposed by this Act are recoverable and applicable.

Proof of Cesser of Land being used for Purposes of this Part of Act.

XXXIX. Any Land purchased or acquired or in respect of which any Licence is granted under this Part of this Act, shall be deemed to have ceased to be used for the Purposes of this Part of this Act, where there has not been any such Use by the Corps by which the Land was purchased or acquired, or to or for which the Licence was granted, for a Period of One Year, and a Certificate of the Fact of such Non-user is given by One of Her Majesty's Principal Secretaries of State; and such Certificate shall be conclusive Evidence of such Fact as against all Persons and in all Courts of Justice.

Exception of Isle of Man.

XL. This Part of this Act shall not extend to the *Isle of Man*, except that the Power of granting Licences, given in this Part of this Act to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, shall extend to any Allotment that may be made to, and any Land that may be purchased on behalf of Her Majesty, under the Provisions of an Act of Tynwald, intituled "The *Isle of Man* disafforesting Act, "1860."

PART VI.

Exemptions.

Service in Militia.

XLI. Every Officer of the Volunteer Force, and every efficient Volunteer, and every Non-commissioned Officer of the Volunteer Permanent Staff, shall be exempt from Liability to serve personally or to provide a Substitute in the Militia of *England* or of *Scotland*.

In the Case of a Volunteer, such Exemption shall cease on his ceasing to be enrolled in the Corps in connection with which he becomes entitled to be deemed efficient, unless he quits such Corps on account of his changing his Place of Residence, in which Case the Exemption shall revive if within Ten Days after quitting such Corps he is enrolled in another Volunteer Corps.

The Certificate of the Commanding Officer of a Volunteer Corps (in the Form set forth in the Schedule to this Act, with such Variations as Circumstances may require) certifying that the Person named therein is a Volunteer enrolled in that Corps, and is exempt as aforesaid, shall be conclusive Evidence thereof.

XLII. Horse

XLII. Horse Duty shall not be payable for any Horse used Six Days or upwards within the Period of Twelve Months, ending on the Fifth Day of *April* preceding the Year of Assessment, as follows; namely,— Horse Duty.

(1.) used on Duty by any Officer of the Volunteer Force or Volunteer or Non-commissioned Officer of the Volunteer Permanent Staff required to use a Horse on Duty:

(2.) used for conveying any Gun, or any Waggon or other Military Carriage, in the Service of the Volunteer Force:

such Horse, in every such Case, being either the Property of such Officer, Volunteer, or Non-commissioned Officer or of a Volunteer Corps or Administrative Regiment, or gratuitously furnished for such Use.

A Certificate, signed by the Commanding Officer of a Volunteer Corps or Administrative Regiment, certifying that the Horse therein specified has been used as aforesaid for the said Number of Days, shall be Evidence thereof.

XLIII. If any Commanding Officer of a Volunteer Corps or Administrative Regiment knowingly gives any false Certificate under this Act, he shall for every such Offence be liable to a Penalty not exceeding Two hundred Pounds, to be recovered in *England* by Action in a Superior Court of Law at *Westminster*, in *Scotland* by Proceedings in the Court of Session, and in the *Isle of Man* by Proceedings in any Court of competent Jurisdiction, and to be applied to the Use of Her Majesty. Penalty for giving false Certificate.

XLIV. Notwithstanding anything in the Rules of any Friendly or Benefit Society, any Person shall not lose any Interest in the Society by reason of his Enrolment or Service in a Volunteer Corps, or his Engagement or Service on the Volunteer Permanent Staff; and any Dispute arising between such Society and Person by reason of such Enrolment, Engagement, or Service shall be deemed a Dispute directed by the Rules of the Society to be decided by Justices of the Peace, according to the Acts for the Time being in force relative to Friendly or Benefit Societies. Volunteers not to lose Interest in Friendly or Benefit Societies.

XLV. Any Duty or Toll leviable, under any Act of Parliament passed or to be passed, at any Pier, Wharf, Quay, Landing Place, or Bridge, or at any Turnpike Gate or Bar, or at any other Gate or Bar on a public Road, shall not be demanded or taken for— Tolls.

(1.) Any Officer of the Volunteer Force, or any Volunteer, or any Non-commissioned Officer of the Volunteer Permanent Staff, being on March or Duty, or going to or returning from the Place appointed for, and on the Day for, Exercise, Inspection, Review, or other public Duty, and being in Uniform:

(2.) Any

(2.) Any Horse ridden or used by any Officer, Volunteer, or Non-commissioned Officer as aforesaid, being on March or Duty, or going or returning as aforesaid, and being in Uniform:

(3.) Any Cart, Waggon, or Carriage, public or private, employed only in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying, any Officer, Volunteer, or Non-commissioned Officer as aforesaid, being on March or Duty, or going or returning as aforesaid, and being in Uniform, with or without any Conductor or Driver of such Cart, Waggon, or Carriage, or domestic Servant of such Officer or Volunteer:

(4.) Any Cart, Waggon, or Carriage, public or private, employed only in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying, any Arms or Baggage of any Officer, Volunteer, or Non-commissioned Officer as aforesaid, being on March or Duty, or going to or returning from the Place appointed for Exercise, Inspection, Review, or other public Duty, or any Military Stores belonging to or for the Use of, or any Gun belonging to or used by, the Volunteer Force:

(5.) Any Horse or other Beast drawing any such Cart, Waggon, or Carriage as aforesaid.

If any Person demands or takes any Duty or Toll in contravention of the present Section,—or if any Person makes any false Representation respecting himself or any other Person, or any Animal or Thing, with Intent to obtain for himself or otherwise, or fraudulently obtains for himself or otherwise, any Exemption under the present Section,—he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

PART VII.

Miscellaneous Provisions.

Lieutenant of County may require Returns to be made to him.

XLVI. The Lieutenant of the County to which a Volunteer Corps belongs, or within whose Jurisdiction the Head Quarters of an Administrative Regiment are situate, may require the Commanding Officer of that Corps or Regiment to make to him from Time to Time such Returns of the Strength and Efficiency of the Corps or Regiment as may seem requisite.

Allowances in Schedule to Clerks

XLVII. The several Clerks of General Meetings of Lieutenancy in *Great Britain* shall be entitled to receive the Sums specified in the Schedule to this Act for their Pains and Trouble

Trouble in and about the Execution of the Provisions of this Act. The said Clerks shall send to the Secretary of State such Accounts, Returns, and Statements as he from Time to Time requires. of General Meetings of Lieutenancy.

XLVIII. Any pecuniary Penalty under this Act, the Mode of Recovery of which is not otherwise expressly provided for by this Act,—and any Money or Fine by this Act made recoverable as a Penalty under this Act is recoverable,—may be recovered as follows:— Pecuniary Penalties to be recovered summarily:

In *England*, in a summary Way before Two or more Justices of the Peace having Jurisdiction where the Offence is committed or where the Offender happens to be, in manner directed by the Act of the Session of the Eleventh and Twelfth Years of Her Majesty (Chapter Forty-three), "to facilitate the Performance of the Duties of Justices "of the Peace out of Sessions within *England* and *Wales*, "with respect to Summary Convictions and Orders;" or in case of Proceedings in the City of *London*, or in the Metropolitan Police District, in manner directed by the respective Enactments for the Time being in force relative to summary Proceedings there: In England under 11 & 12 Vict. c. 43.

In *Scotland*, in manner directed by The Railways Clauses Consolidation (*Scotland*) Act, 1845, with respect to Penalties imposed by that Act, the Recovery of which is not otherwise provided for: In Scotland under 8 & 9 Vict. c. 33.

In the *Isle of Man*, by Proceedings in any Court of competent Jurisdiction, and in the manner in which Penalties of like Amount are recoverable by the Laws of the *Isle of Man*, or as near thereto as Circumstances admit. In the Isle of Man.

In *England*, where the Sum adjudged to be paid on a summary Conviction or Adjudication, inclusive of any Costs, exceeds Five Pounds, or the Imprisonment awarded exceeds One Month, and the Person who is convicted, or against whom the Adjudication is made, thinks himself aggrieved by the Conviction or Adjudication, the following Provisions shall take effect:—

(1.) Such Person may appeal to the next Court of General or Quarter Sessions held not less than Twelve Days after the Day of such Conviction or Adjudication for the County or Place where the Conviction or Adjudication is had:

(2.) The Appellant shall, within Three Days after the Day of the Conviction, and Seven clear Days at least before the Sessions to which the Appeal is to be made, give to the Complainant a Notice in Writing of the Appeal and of the Ground thereof:

(3.) The Appellant may enter into a Recognizance with Two sufficient

sufficient Sureties before a Justice of the Peace, conditioned to appear personally at the Sessions and try the Appeal, and abide the Judgment of the Court thereon, and pay any Costs awarded by the Court; or where the Appeal is against a Conviction imposing only a pecuniary Penalty, or against an Adjudication for the Payment of Money, the Appellant may deposit with the Clerk of the convicting Justices such Sum of Money as those Justices deem sufficient to cover the Amount of the Penalty, or Money adjudged to be paid, together with the Costs of the Conviction or Adjudication, and of the Appeal:

(4.) On such Notice being given, and such Recognizance being entered into, or such Deposit being made, the Appellant shall be liberated if in Custody:

(5.) The Court of General or Quarter Sessions shall hear and determine the Appeal, and shall make such Order therein, with or without Costs to either party, as to the Court seems fit, and in case of Affirmance of the Conviction or Dismissal of the Appeal, shall adjudge the Appellant to be punished according to the Conviction, or to pay Money according to the Adjudication, and to pay such Costs as are awarded, and shall, if necessary, issue Process for enforcing such Judgment:

(6.) Where any such Deposit as aforesaid is made, and the Conviction or Adjudication is affirmed, or the Appeal is dismissed, the Court may order the Amount of the Penalty or other Money adjudged to be paid, together with the Costs of the Conviction or Adjudication and of the Appeal, to be paid out of the Deposit, and the Residue thereof, if any, to be returned to the Appellant, and in any other Case shall order the Deposit to be returned to the Appellant:

(7.) Where on Appeal a Conviction is quashed, the proper Officer shall forthwith indorse on the Conviction a Memorandum that it has been so quashed; and whenever any Copy or Certificate of such Conviction is made, a Copy of the Memorandum shall be added thereto, which shall be sufficient Evidence of the Conviction having been quashed in all Cases where a Copy or Certificate would be sufficient Evidence of the Conviction.

But nothing in the present Section respecting Appeals shall affect any Enactments relative to Appeals in Cases of summary Convictions or Adjudications in the City of *London* or the Metropolitan Police District.

In

In *Scotland*, and the *Isle of Man*, in like Cases as in *England*, an Appeal shall lie, in manner in that Behalf provided by the Law of *Scotland* and of the *Isle of Man* respectively.

A summary Conviction or Adjudication under this Act in *England*, or an Adjudication made on Appeal therefrom, shall not be quashed for Want of Form or be removed by Certiorari; and a Warrant of Commitment on any such Conviction shall not be held void by reason of any Defect therein, if it is therein alleged that the Person therein named has been convicted, and there is a good Conviction to sustain the same.

Application of certain Penalties.

Any pecuniary Penalty recovered summarily under this Act on the Prosecution of the Commanding Officer of a Volunteer Corps or Administrative Regiment shall (notwithstanding anything in any Act relating to Municipal Corporations or to the Metropolitan Police or in any other Act contained) be paid to the Commanding Officer, and be applied as Part of the general Fund of the Corps or Regiment.

Interpretation of Terms.

XLIX. In this Act—

The Term "Lieutenant" of a County includes Vice-Lieutenant, and, as to the City of *London*, the Commissioners of Lieutenancy for the same:

The Term "Volunteer" means a Non-commissioned Officer or Private belonging to a Volunteer Corps, exclusive of the Permanent Staff thereof:

The Term "Person" includes (where the Case requires) a Body of Persons, corporate or unincorporate:

The Term "Mutiny Act" means the Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, for the Time being in force, and includes the Articles of War made under the Authority of that Act for the Time being in force:

The Term "Appointments" includes Accoutrements and Equipments of every Kind other than Clothing.

Application of Provisions of this Act to Adjutants, Serjeant Instructors, and Administrative Regiments.

If at any Time Her Majesty thinks fit to appoint on the Permanent Staff of a Volunteer Corps or Administrative Regiment a Quartermaster and a Paymaster, or either of such Officers, commissioned by Her Majesty,—or if at any Time any Non-commissioned Officer or Man, engaged and attested (according to Regulations under this Act) for a Period not exceeding Five Years, is appointed on the Permanent Staff of a Volunteer Corps or Administrative Regiment to serve in any other Capacity than that of Serjeant Instructor,—then and in such Cases all the Provisions of this Act relating to Adjutants and Serjeant Instructors and to Officers and Non-commissioned Officers of the Volunteer Permanent Staff shall apply to such Quartermasters

masters and Paymasters, and to such other Non-commissioned Officers and such Men, respectively.

All the Provisions of this Act relating to an Administrative Regiment shall apply to any united Body formed of Two or more separate Volunteer Corps for Military or Administrative Purposes by the Authority of One of Her Majesty's Principal Secretaries of State, whether the Corps so united are formed into a Regiment or a Brigade or a Battalion, or any other Body.

Application of this Act to Isle of Wight, Cinque Ports, Isle of Man, and other Places.

L. For the Purposes of this Act the *Isle of Wight* shall be deemed to be a County of itself, and the Governor thereof, or the Person for the Time being performing the Duties of Governor, shall be deemed to be the Lieutenant of such County;—the Cinque Ports, Two Ancient Towns, and their Members, shall be deemed to be a County of themselves, and the Warden thereof, or in his Absence his Lieutenant or Lieutenants, shall be deemed to be the Lieutenant of such County;—every Riding, Stewartry, City, or Place for which Her Majesty constitutes a Lieutenant shall be deemed to be a County of itself, and the Lieutenant appointed for the same shall be deemed to be the Lieutenant of such County;—and the *Isle of Man* shall be deemed to be a County of *England*, and the Lieutenant Governor thereof, or the Person for the Time being performing the Duties of Lieutenant Governor, shall be deemed to be the Lieutenant of such County.

Repeal of Enactments as in Schedule.

LI. The Enactments described in the Schedule to this Act shall be repealed to the Extent therein specified; but this Repeal shall not affect the past Operation of any such Enactment, or anything already done, or any Right, Title, Obligation, or Liability already accrued thereunder, or any Remedy or Proceeding respecting the same.

Not to apply to London Artillery Company.

LII. Nothing in this Act shall apply to the Honourable Artillery Company of *London*.

Extent of Act.

LIII. This Act shall not extend to *Ireland*.

SCHEDULE.

(i.) *Oath of Officer and Volunteer.*

I *A. B.* do sincerely promise and swear, that I will be faithful and bear true Allegiance to Her Majesty Queen Victoria, and that I will faithfully serve Her Majesty in Great Britain for the Defence

Defence of the same against all Her Enemies and Opposers whatsoever, according to the Conditions of my Service.

[*The Name of the Successor of Her Majesty Queen Victoria for the Time being, with proper Words of Reference thereto, to be substituted as Occasion requires.*]

(ii.) *Warrant of Secretary of State for Apprehension of Non-commissioned Officer of Volunteer Permanent Staff ordered to be tried by Court-martial.*

County of } VICTORIA, &c.
To Our Sheriff of Our County of , to the High Constable of the Hundred of in the same County, the Constables of the Town of in the same County, to Our Bailiffs and Ministers, and to the Constables and Peace Officers, in the same County, as well within Liberties as without, greeting.

Whereas the Right Honourable *A.B.*, One of Our Principal Secretaries of State, has, in pursuance of the Volunteer Act, 1863, ordered a Court-martial to assemble for the Trial of *L.M.*, being a Non-commissioned Officer of the Volunteer Permanent Staff: We therefore command you, jointly and severally, forthwith to apprehend the said *L.M.*, and bring him in Custody to Our [Gaol] at in Our County of , and there deliver him into the Custody of the Keeper of Our said [Gaol] or of his Deputy.

Witness, the Right Honourable *A.B.*, One of Our Principal Secretaries of State, at , the Day of 18 .

A.B.

(iii.) *Warrant of Secretary of State for Commitment in same Case.*

County of } VICTORIA, &c.
To the Keeper of Our [Gaol] at in Our County of , or to his Deputy, greeting.

Whereas the Right Honourable *A.B.*, One of Our Principal Secretaries of State, has, in pursuance of The Volunteer Act, 1863, ordered a Court-martial to assemble for the Trial of *L.M.*, being a Non-commissioned Officer of the Volunteer Permanent Staff: We therefore command you and each of you, that you or One of you do receive him the said *L.M.* into your Custody in Our [Gaol], and him there safely keep in such Manner as if he

he had been committed to your Custody there by Warrant of some of the Justices assigned to keep Our Peace in Our said County on a Charge or Suspicion of Misdemeanor [*or in Scotland* of an Offence], but without Bail, until he be delivered from your Custody there in pursuance of the said Act.

Witness, the Right Honourable *A.B.*, One of Our Principal Secretaries of State, at , the Day of 18 .

A.B.

(iv.) *Certificate for Exemption from Militia.*

I *A.B.*, Commanding Officer of the Volunteer Corps, hereby certify that *C.D.* is a Volunteer enrolled in that Corps, and is by virtue of The Volunteer Act, 1863, exempt from Liability to serve personally or to provide a Substitute in the Militia of [*England*].

Given under my Hand at this Day of One thousand eight hundred and [*sixty-four*].

A.B.,
[*Lieutenant-Colonel Commanding*].

(v.) *Allowances to Clerks of General Meetings of Lieutenancy.*

	£	s.	d.
For Trouble in executing the Duty required of them, including Copyings, Correspondence, and Stationery:			
In Counties where the Force does not exceed 200	7	10	0
In Counties where the Force is above 200 and not exceeding 400 . . .	10	0	0
In Counties where the Force is above 400 and not exceeding 500 . .	12	10	0
In Counties where the Force exceeds 500, the following Additions for every 100 or fractional Part of 100:			
Above 500 and not exceeding 1,000	2	0	0
„ 1,000 „ 2,000	1	10	0
„ 2,000 „ 3,000	1	0	0
„ 3,000 „ 4,000	0	15	0
„ 4,000	0	10	0
For convening and attending any General Meeting summoned by the distinct Order of the Secretary of State . .	1	1	0
For printing, advertising, and Postage, the actual Expense.			

(vi.) *Enactments repealed.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
44 Geo. 3. c. 54. -	An Act to consolidate and amend the Provisions of the several Acts relating to Corps of Yeomanry and Volunteers in Great Britain; and to make further Regulations relating thereto.	So far as the Act relates to Volunteers in Great Britain.
44 Geo. 3. c. 94. -	An Act to explain an Act of the present Session of Parliament, for consolidating and amending the Provisions of the several Acts relating to Corps of Yeomanry and Volunteers in Great Britain, so far as respects the accounting for Monies received by Volunteer Officers.	So far as the Act relates to Volunteers in Great Britain.
46 Geo. 3. c. 125. -	An Act for regulating the Rank of Officers in Yeomanry and Volunteer Corps.	So far as the Act relates to Volunteers in Great Britain.
46 Geo. 3. c. 140. -	An Act to amend two Acts passed in the Forty-second Year of His present Majesty, relating to the Militia of England and Scotland respectively, as to the Pay of the Officers and Men of the said Militia.	So far as the Act relates to Volunteers in Great Britain.
50 Geo. 3. c. 25. -	An Act to amend several Acts relating to the local Militia of Great Britain.	Section Three.
53 Geo. 3. c. 81. -	An Act to amend several Acts relating to the Militia, and to enlisting of the Militia into His Majesty's Regular Forces.	Section Four.
56 Geo. 3. c. 39. -	An Act to reduce the Number of Days of Muster or Exercise of Yeomanry and Volunteer Cavalry.	So far as the Act relates to Volunteers in Great Britain.
57 Geo. 3. c. 44. -	An Act to allow Corps of Yeomanry or Volunteer Cavalry, when assembled for the Suppression of Riots or Tumults, to be quartered and billeted, and Officers on Half Pay to hold certain Commissions in such Corps, and to exempt Members in such Corps from serving the Office of Constable.	So far as the Act relates to Volunteers in Great Britain.
7 Geo. 4. c. 58. -	An Act to amend the Laws relating to Corps of Yeomanry Cavalry and Volunteers in Great Britain.	So far as the Act relates to Volunteers in Great Britain, including the Provisions thereof relative to

Session and Chapter.	Title or Short Title.	Extent of Repeal.
		the Remuneration of the Clerks of Meetings therein mentioned, so far as that Remuneration has reference to the Execution of the Provisions of any Act relating to Volunteers in Great Britain.
23 & 24 Vict. c. 13.	An Act to prevent the Members of Benefit Societies from forfeiting their Interest therein by being enrolled in Yeomanry or Volunteer Corps.	So far as the Act relates to Volunteers in Great Britain.
23 & 24 Vict. c. 140.	The Rifle Volunteer Grounds Act, 1860.	The whole.
24 & 25 Vict. c. 126.	An Act to exempt the Volunteer Forces of Great Britain from the Payment of Tolls.	The whole.
25 & 26 Vict. c. 41.	An Act for amending "The Rifle Volunteer Grounds Act, 1860."	The whole.

CAP. LXVI.

An Act to amend the Law relating to Prisons in Ireland.—[21*st* July 1863.]

CAP. LXVII.

An Act to enable Provision to be made out of the Funds of Greenwich Hospital *for the Widows of Seamen and Marines slain, killed, or drowned in the Sea Service of the Crown.*—[21*st* July 1863.]

CAP. LXVIII.

An Act to extend the Powers of the Act relating to the Main Drainage of the Metropolis.—[21*st* July 1863.]

CAP. LXIX.

CAP. LXIX.

An Act to establish Officers of the Royal Naval Reserve.—[21*st* July 1863.]

CAP. LXX.

An Act to facilitate the Execution of Public Works in certain Manufacturing Districts; to authorize for that Purpose Advances of Public Money to a limited Amount upon Security of Local Rates; and to shorten the Period for the Adoption of the Local Government Act, 1858, *in certain Cases.*—[21*st* July 1863.] (England.)

CAP. LXXI.

An Act for the Preservation and Improvement of Harwich *Harbour.*—[28*th* July 1863.]

CAP. LXXII.

An Act for the further Improvement of the Harbour of Howth.—[28*th* July 1863.]

CAP. LXXIII.

An Act to give further Facilities to the Holders of India *Stock.*—[28*th* July 1863.]

WHEREAS the Secretary of State in Council of *India* is empowered, under the Provisions of certain Acts of Parliament passed in the Sessions holden in the Twenty-second and Twenty-third, Twenty-third and Twenty-fourth, Twenty-fourth and Twenty-fifth Years of the Reign of Her Majesty respectively, to raise Money in the United Kingdom, not exceeding such Amount as is in the said Acts prescribed, and 22 & 23 Vict. c. 39. 23 & 24 Vict. c. 130. 24 & 25 Vict. c. 25.

and is further empowered, upon or for the Repayment of any Principal Money secured under the Authority of the said Acts respectively, to borrow or raise by the like Method all or any Part of the Amount of Principal Money so repaid or to be repaid: And whereas Capital Stock has been and may be from Time to Time created and issued under the Authority of the said Acts respectively, and it is expedient to give further Facilities to the Holders of such Stock in respect of the Transfer thereof, and the Receipt of the Dividends thereon: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title. I. This Act may be cited for all Purposes as "The *India* Stock Certificate Act, 1863."

Definition of Terms. II. In this Section and elsewhere in this Act the following Expressions have the Meanings here assigned to them:

"The Bank" shall, with reference to the Stocks created and issued under the said Acts transferable at the Bank of *England*, and Certificates issued under this Act in respect thereof, and the Coupons of such Certificates, mean the Governor and Company of the Bank of *England*, and shall, with reference to the said Stocks transferable at the Bank of *Ireland*, and Certificates issued under this Act in respect thereof, and the Coupons of such last-mentioned Certificates, mean the Governor and Company of the Bank of *Ireland*:

"*India* Stock" shall mean any Stocks which have been or may be created and issued under the Acts aforesaid, transferable in the Books of the Bank, and "Share in *India* Stock" shall include any Part of a Share:

"Person" shall include Corporation.

Right to Certificate of Title to India Stock. III. With the Exception and subject to the Conditions herein-after mentioned, every Person who now is or may hereafter be inscribed in the Books of the Bank of *England* or of the Bank of *Ireland* as Proprietor of a Share in *India* Stock may obtain a Certificate or Certificates of Title to the said Share or to any Part thereof, having annexed Coupons entitling the Bearer to the Dividends payable in respect of that Share or Part of a Share.

Restriction as to Trustees taking Certificates of Title. IV. No Trustee of any Share in the said Stock shall apply for or hold a Certificate of Title to that Share, unless he is authorized so to do by the Terms of his Trust; and any Contravention of this Section by a Trustee shall be deemed to be a Breach of Trust, and be punishable accordingly; nevertheless, this Section shall not impose on the Bank any Obligation

to

to inquire whether a Person applying for a Certificate of Title under this Act is or not a Trustee, nor subject them to any Liability in the event of their granting a Certificate of Title to a Trustee, nor invalidate any Certificate of Title if granted.

General Provisions as to Certificates of Title.

V. No Certificate shall be granted in respect of any Sum of Stock being other than One hundred, or Five hundred, or One thousand Pounds.

The Coupons annexed to an *India* Stock Certificate shall comprise the Dividends payable in respect of the Stock described in the Certificate. At the Expiration of the Period for which the Coupons shall have been issued fresh Coupons shall be issued for further successive Periods during the Continuance in force of the Stock Certificate; but the Bank may, if they think fit, in lieu of issuing fresh Coupons in respect of a Certificate, give in exchange a fresh Certificate with Coupons attached thereto.

Coupons shall be payable at the chief Establishment of the Bank at the Expiration of Three clear Days from the Day of Presentation.

The Payment to the Bearer of any Coupon of the Amount expressed therein shall be a full Discharge to the Bank of all Liability in respect of that Coupon and the Dividend represented thereby.

If any *India* Stock Certificate or Coupon issued under this Act is lost or destroyed, and such Loss or Destruction proved in such manner as may from Time to Time be directed by the Bank, the Bank shall grant a new Certificate or Coupon, on receiving Indemnity to their Satisfaction against the Claims of all Persons deriving Title under the Certificate or Coupon so lost or destroyed.

No Notice of any Trust in respect of any Stock Certificate or Coupon issued under this Act shall be receivable by the Bank.

An *India* Stock Certificate shall entitle the Bearer to the Stock therein described, and shall be transferable by Delivery.

Reconversion of the Certificate to Stock.

VI. The Bearer of an *India* Stock Certificate may, on Delivery up to the Bank of his Certificate and of all unpaid Coupons belonging thereto, and on Compliance with any Regulation made in pursuance of this Act, require to be registered in the Books of the Bank as a Holder of the Stock described in the Certificate under which he derives Title, and thereupon the Stock shall be re-entered in the Books kept by the Bank for the Entry of transferable Stock, and become transferable, and the Dividends payable, as if no Certificate had been issued in respect of such Stock.

Fees in respect of Dealings

VII. No Fees shall be charged on the Grant of a Stock Certificate to Bearer in exchange for a like Certificate, but there

with Stock under this Act.

there shall be charged with respect to the several other Proceedings in relation to Stock authorized by this Act the Fees specified in the Schedule hereto, or such less Fees as may be determined by the Secretary of State in Council.

All Fees received in pursuance of this Act shall be paid to the "Account of the Secretary of State for *India* in Council "of *India*."

No Stamp Duty shall be payable in respect of any Certificate or Coupon issued in pursuance of this Act.

Remuneration to the Bank.

VIII. There shall be paid to the Bank of *England*, by the Secretary of State in Council, on account of the additional Trouble, Expense, and Responsibility, if any, imposed on it by this Act, in addition to the Remuneration otherwise payable to it in respect of the Management of the *Indian* Debt, such Remuneration as may be agreed upon between the Bank of *England* and the said Secretary of State in Council.

General Regulations with respect to Certificates of Title.

IX. The Bank of *England* and the Bank of *Ireland*, with the Sanction of the Secretary of State in Council, may from Time to Time issue any Forms that may be required for carrying into effect the Provisions of this Act, and also from Time to Time make any Regulations that are not inconsistent with this Act relative to the following things:

1. The Time for which Coupons are to be given:
2. The Authority under which and the Mode in which the Bank is to act in issuing *India* Stock Certificates, or registering in their Books the Holders of such Stock Certificates, or taking any other Proceedings in relation to *India* Stock authorized to be taken under this Act:
3. The Mode of proving the Title of or identifying any Person applying for an *India* Stock Certificate, or deriving any Title under a Stock Certificate issued under this Act:
4. With respect to any other Matter necessary to carry this Act into effect:

And any Regulation so made shall be deemed to be Part of this Act in the same Manner as if it were herein enacted.

Income Tax.

X. The Income Tax shall be deducted from any Coupons payable under this Act in the same Manner and subject to the same Regulations in and subject to which it may, in pursuance of any Law for the Time being in force, be deducted from the Dividends payable at the Bank in respect of the Stock of Proprietors inscribed in the Books of the Bank: Provided always, that such Deduction of Income Tax shall be made, although the half-yearly Payment on any Coupon shall not amount to Fifty Shillings, anything in any former Act to the contrary notwithstanding.

XI. All

XI. All Sums due and not demanded on any Coupons issued under this Act shall for all Purposes be dealt with as if they were Dividends due and not demanded in respect of the Stock of Proprietors inscribed in the Books of the Bank. Unclaimed Dividends.

XII. When any Certificate of Title issued under this Act in respect of any Share in *India* Stock is outstanding, the Stock represented thereby shall cease to be transferable in the Books of the Bank. Shares in India Stock outstanding to cease to be transferable, &c.

Save in so far as relates to the Mode of Transfer and Payment of Dividends thereon, any *India* Stock described in a Stock Certificate issued under this Act shall be deemed to be charged on the same Securities, and to be subject to the same Powers of Redemption and to the same Incidents in all respects, including the Remuneration payable to the Bank, as if it had continued registered in the Books of the Bank as Stock transferable therein.

XIII. Whosoever shall forge or alter, or offer, utter, dispose of, or put off, knowing the same to be forged or altered, any *India* Stock Certificate or Coupon, or any Document purporting to be any *India* Stock Certificate or Coupon, issued in pursuance of this Act, or shall demand or endeavour to obtain or receive any Share or Interest of or in *India* Stock, or to receive any Dividend or Money payable in respect thereof, by virtue of any such forged or altered Certificate or Coupon, or Document purporting as aforesaid, knowing the same to be forged or altered, with Intent in any of the Cases aforesaid to defraud, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement. Punishment of Forgery.

XIV. Whosoever shall falsely and deceitfully personate any Owner of any Share or Interest of or in *India* Stock, or of any *India* Stock Certificate or Coupon issued in pursuance of this Act, and shall thereby obtain or endeavour to obtain any such *India* Stock Certificate or Coupon, or receive or endeavour to receive any Money due to any such Owner, as if such Offender were the true and lawful Owner, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any term not less than Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement. Punishment of Personation.

XV. Whosoever, without lawful Authority or Excuse, the Proof whereof shall lie on the Party accused, shall engrave or make Punishment of engraving, &c.

make upon any Plate, Wood, Stone, or other Material any *India* Stock Certificate or Coupon purporting to be an *India* Stock Certificate or Coupon issued or made under and in pursuance of this Act, or to be a blank *India* Stock Certificate or Coupon issued or made as aforesaid, or to be a Part of such a Stock Certificate or Coupon, or shall use any such Plate, Wood, Stone, or other Material for the making or printing any such *India* Stock Certificate or Coupon, or any such blank *India* Stock Certificate or Coupon, or any Part thereof respectively, or knowingly have in his Custody or Possession any such Plate, Wood, Stone, or other Material, or shall knowingly offer, utter, dispose of, or put off, or have in his Custody or Possession, any Paper upon which any such blank *India* Stock Certificate or Coupon, or Part of any such *India* Stock Certificate or Coupon, shall be made or printed, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years, and not less than Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

As to the Signature and Counter-Signature of Documents in the Department of the Secretary of State for India.

XVI. And whereas it is expedient that there should be Uniformity of Practice in respect of the Signature and Counter-Signature of Documents by the Secretary and Under Secretaries of State and Members of the Council of *India*: Be it enacted, That wherever, by reason of the Provisions of any Act of Parliament or otherwise, it is required that any Deeds, Contracts, Bonds, Debentures, Cheques, Drafts, or Orders for Money, or other Documents, shall be signed by any Number of Members of the Council of *India*, and countersigned by the Secretary of State or One of his Under Secretaries, any such Deed, Contract, Bond, Debenture, Cheque, Draft, or Order for Money, or other Document, may be signed by Two Members of the said Council, and countersigned by the Secretary of State or One of his Under Secretaries, or by his Assistant Under Secretary.

SCHEDULE.

Schedule of Fees.

On the Issue of an India Stock Certificate, a Fee not exceeding Five Shillings on every Hundred Pounds of Stock included in the Certificate.

On the Registration in the Books of the Bank of the Stock included in an India Stock Certificate, a Fee not exceeding Five Shillings.

CAP. LXXIV.

An Act to enable Her Majesty to declare Gold Coins to be issued from Her Majesty's Branch Mint at Sydney, New South Wales, *a legal Tender for Payments; and for other Purposes relating thereto.*— [28*th* July 1863.]

WHEREAS by an Act of the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third, Chapter Sixty-eight, intituled *An Act to provide for a new Silver Coinage, and to regulate the Currency of the Gold and Silver Coins of this Realm*, it is amongst other things provided, that after the Date of the passing of that Act the Gold Coin of the Realm should be the only legal Tender for Payments (except the Silver Coin of the Realm to the Extent of Forty Shillings) within the United Kingdom of *Great Britain* and *Ireland*: And whereas by the same Act it is declared that the Gold Coin of the Realm should hold such Weight and Fineness as are prescribed by an Indenture therein referred to, and made with His Majesty's Master and Worker of the Mint for making Gold Monies at His Majesty's Mint in *London*, and with such Allowance called the Remedy as is given to the said Master by the said Indenture, which Weight and Fineness are by the said Act declared to be the Standard of the lawful Gold Coin of the Realm, so far as relates to the Gold Coins of the Denominations in use at the Time of the passing of the said Act and specified in the said Indenture: And whereas Gold Coins of the Weight and Fineness and of the Denominations mentioned in the said Act, and specified in the said Indenture, have from the Date of the said Act up to the present Time continued to be issued from Her Majesty's Mint in *London*, and to be the only legal Tender for Payments, except as aforesaid, within the United Kingdom: And whereas Her Majesty has by Proclamation established at *Sydney* in *New South Wales* a Branch of the Royal Mint for making Gold Coins of the same Weight and Fineness and of the same Denominations as the Gold Coin issued by Her Majesty's Mint in *London*, and has appointed a Deputy Master of the said Branch Mint; and it is expedient that Power should be given to Her Majesty to make the Gold Coin so issued by Her Majesty's Mint at *Sydney* a legal Tender for Payments in the United Kingdom: Be it

56 G. 3. c. 68.

it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Her Majesty to declare Gold Coins made at the Branch Mint at Sydney a legal Tender in the United Kingdom.

I. It shall be lawful for Her Majesty, by Proclamation issued with the Advice of Her Privy Council, to declare that, after a Date specified in such Proclamation, Gold Coins made at the said Branch Mint, of Designs approved by Her Majesty, at *Sydney* aforesaid, and being of the same Weight and Fineness as are required by Law with respect to Gold Coins of the same Denominations made at Her Majesty's Mint in *London*, are to be a legal Tender for Payments within the United Kingdom of *Great Britain* and *Ireland*; and upon such Proclamation being issued, Gold Coins made of such Designs, and being of such Weight and Fineness as aforesaid, shall be a legal Tender for Payments accordingly.

Power to Her Majesty to impose a Charge on coining Gold.

II. It shall be lawful for Her Majesty, by Proclamation issued with such Advice as aforesaid, from Time to Time to impose on the Coinage of Gold at the said Branch Mint at *Sydney* a Charge sufficient to defray the Expenses of Coinage, over and above the Expenses of assay and refining; and it shall be incumbent on the said Deputy Master to coin Gold at the Charge so imposed.

Short Title.

III. This Act may be cited for all Purposes as "The *Sydney* Branch Mint Act, 1863."

CAP. LXXV.

An Act for the Embankment of Part of the River Thames, *on the South Side thereof, in the Parish of* Saint Mary Lambeth, *and for other Purposes.*—[28*th* July 1863.]

CAP. LXXVI.

An Act to determine the Time at which Letters Patent shall take effect in the Colonies.—[28*th* July 1863.]

WHEREAS Her Majesty hath from Time to Time caused to be made under the Great Seal of the United Kingdom of *Great Britain and Ireland* divers Letters Patent

Patent intended to take effect within Her Majesty's Colonies and Possessions beyond the Seas: And whereas Doubts are entertained respecting the Period at which such Letters Patent have taken or may hereafter take effect within such Colonies and Possessions, and it is expedient that such Doubts should be removed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Existing Letters Patent not to take effect in Colonies till published or acted on.

I. No such Letters Patent heretofore made shall (unless otherwise provided therein or by other lawful Authority) be deemed to have taken or shall take effect in any such Colony or Possession as aforesaid until the same were or shall be publicly made known or acted upon therein: Provided that any Act or Thing heretofore done or purporting to have been done in pursuance or under Authority of such Letters Patent shall be as valid and effectual as if the same Letters Patent had taken effect at the Date of the making thereof.

Acts done under such Letters Patent valid.

Future Letters Patent not to take effect in Colony till Publication.

II. No such Letters Patent hereafter to be made shall (unless otherwise provided therein or by other lawful Authority) take effect in any such Colony or Possession until the making of the same shall have been signified therein by Proclamation or other public Notice.

Appointments by Letters Patent to be void unless published within Six or Nine Months.

III. Any such Letters Patent by which any Person may be hereafter appointed to any Office or Employment within any of such Colonies or Possessions shall (unless otherwise provided therein or by other lawful Authority) become null and void in respect of such Colony, unless the same shall be so signified as aforesaid within the following Period; that is to say, within Nine Calendar Months in case such Colony or Possession shall be to the Eastward of *Bengal* in the *East Indies*, or to the West of *Cape Horn* in *South America*, or in any other Case within Six Months after the making thereof.

9 & 10 Vict. c. 91. repealed.

IV. The Act, Chapter Ninety-one, of the Ninth and Tenth Years of Her Majesty, intituled *An Act to continue certain Patent Commissions until the Exhibition of the Commissions revoking them*, is hereby repealed.

Period of Act coming into operation.

V. This Act shall take effect in each of Her Majesty's Colonies and Possessions so soon as the same shall be proclaimed therein by the Officer administering the Government thereof.

CAP. LXXVII.

An Act to amend the Law relating to the Jurisdiction of Justices residing or being out of the County for which they are Justices.—[28*th* July 1863.] (England and Wales.)

CAP. LXXVIII.

An Act to amend the Acts relating to the Turnpike Roads in the Neighbourhood of the Metropolis north of the River Thames.—[28*th* July 1863.]

CAP. LXXIX.

An Act for the Amendment of the Law relating to the Religious Instruction of Prisoners in County and Borough Prisons in England *and* Scotland.—[28*th* July 1863.]

WHEREAS it is expedient to amend the Law relating to Prisons in *England* and *Scotland* with respect to the Religious Instruction of the Prisoners confined therein: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The Prison Ministers Act, 1863."

Act to apply to all Gaols, &c.

II. This Act shall apply in *England* to all Gaols, Prisons, and Houses of Correction (herein-after included under the Term "Prisons") that are maintained at the Expense of any County, Riding, Division, or Liberty of a County, or of any County of a City, County of a Town or Borough, and in *Scotland* to all Local Prisons as defined by "The Prisons (*Scotland*) Administration Act, 1860."

Power to appoint

III. Where the Number of Prisoners confined in any Prison to which this Act applies, and belonging to some Church or Religious

Religious Persuasion differing, if in *England*, from the Church of *England*, and if in *Scotland*, from the Church of *Scotland*, is so great as, in the Opinion of the Justices, County Board, or other Persons having the Appointment of Chaplain in the said Prison, to require the Ministrations of a Minister of their own Church or Persuasion, the said Justices, County Board, or other Persons may appoint a Minister of such last-mentioned Church or Persuasion to attend at the said Prison on the Prisoners of his own Church or Persuasion, and they may, if they think fit, award to him a reasonable Sum as a Recompence for his Services, such Sum to be deemed a Part of the Expenses of the Prison to which he is appointed, and to be paid out of the Funds legally applicable to the Payment of such Expenses. additional Ministers to Prisons.

The Visiting Justices of any Prison may, if they think fit, without a special Request being made by, but not against the Will of, any Prisoner of a Church or Religious Persuasion differing from that of the Established Church, permit a Minister of the Church or Persuasion to which such Prisoner belongs (if no Appointment of such a Minister has been made under this Act) to visit such Prisoner at proper and reasonable Times, under such Restrictions imposed by them as may guard against the Introduction of improper Persons, and may prevent improper Communications; provided that any Prisoner shall, on Request, be allowed, subject to the Rules of the Gaol, to attend the Chapel or to be visited by the Chaplain of the Gaol. Every Minister appointed or permitted to visit Prisoners under this Act shall hold his Appointment or Permission to visit during the Pleasure of the Authority by whom he was appointed or permitted to visit, and shall conform in all respects to the Regulations of the Prison at which he attends. No Minister shall be appointed under this Act for any Prison in which there is not a Chaplain of the Established Church. Regulation as to Admission of Ministers.

IV. The Keeper or other Person performing the Duties of Keeper of a Prison on receiving into his Custody any Prisoner shall enter his Name in a Book to be provided for the Purpose, with the Addition of the Church or Religious Persuasion to which the Prisoner shall declare himself to belong, and the said Keeper or other Person shall from Time to Time give to any Minister appointed or permitted to visit Prisoners in the Prison a List of the Prisoners so declared to belong to the Church or Persuasion of such Minister, and no such Minister shall be permitted to attend or visit any Prisoner belonging to any Religious Persuasion differing from that to which such Minister belongs. Keepers of Prisons to register Religion of Prisoners.

V. So much of the Thirtieth Section of the said Act passed in the Fourth Year of his late Majesty King *George* the Fourth, So much of Sect. 30 of 4 G. 4.

c. 64. as provides for Visits of Chaplains not to apply to Prisoners visited by other Ministers.

Chapter Sixty-four, as provides "that the Chaplain shall frequently visit every Room and Cell in the Prison occupied "by Prisoners, and shall direct such Books to be distributed "and read, and such Lessons to be taught, in such Prison, as "he may deem proper for the Religious and Moral Instruction "of the Prisoners therein, and that he shall visit those who "are in Solitary Confinement," shall not apply to any Prisoner who is attended or visited by a Minister of a Church or Persuasion differing from the Church of *England*, except when the Visits of any such Minister shall have been discontinued for the Period of Fourteen Days; and no Prisoner belonging to any Church or Religious Persuasion shall be compelled to attend any Religious Service held or performed by any Chaplain, Minister, or Religious Instructor of a Church or Religious Persuasion to which the said Prisoner does not belong.

CAP. LXXX.

An Act for providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of Dover *and* Portland, *and of creating a Central Arsenal.*—[28*th* July 1863.]

CAP. LXXXI.

An Act to amend, so far as regards Advances for the Purposes of "The Harbours and Passing Tolls, &c. Act, 1861," *certain of the Acts authorizing the Advance of Money out of the Consolidated Fund for carrying on Public Works and Fisheries and Employment of the Poor.*—[28*th* July 1863.]

WHEREAS by an Act passed in the Third Year of His late Majesty King *George* the Fourth, Chapter Eighty-six, intituled *An Act to amend Two Acts of the Fifty-seventh Year of His late Majesty, and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries*

3 G. 4. c. 86.

ries and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts, the Commissioners acting in execution of the said Act, or of any of the Acts therein mentioned, or of any Act or Acts amending or continuing the same Act or Acts, and now usually called "the Public Works Loan Commissioners," were authorized to make advances on Mortgage; and it was provided that Mortgages so made should have certain Priorities: And whereas by another Act passed in the Session of Parliament held in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend several Acts passed for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts,* further Provision was made as to the Priorities of Mortgages for securing Advances made by the Public Works Loan Commissioners: And whereas by "The Public Works Loan Act, 1853," further Provision was made as to the Priorities of such Mortgages: And whereas by "The Harbours and Passing Tolls, &c. Act, 1861," the Commissioners were authorized, with the Approval of the Board of Trade, to make Advances on Mortgage to Harbour Authorities in manner therein provided: Be it enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 1 & 2 W. 4 c. 24.

Public Works Loan Commissioners empowered to grant Priority of Security in respect of Loans to Harbour Authorities by other Persons.

I. Notwithstanding any Provision to the contrary contained in the Acts herein-before mentioned, or in any other Act or Acts passed or to be passed relating to the Public Works Loan Commissioners, it shall be lawful for the Commissioners from Time to Time to grant Priority of Security, as well for Principal as Interest, in respect of any Loan made or to be made to any Harbour Authority by any Person or Persons other than the Commissioners over any Security which has been or shall be given to the Commissioners by such Harbour Authority; provided that the Grant of such Priority will not, in the Opinion of the said Commissioners, affect the Sufficiency of the Security given or to be given to the Commissioners.

Such Priority not to give Validity to any Security which could not have been given if

II. Such Grant of Priority shall not give any Force or Validity to any Security which could not have been legally given if this Act had not been passed: Provided nevertheless, that where any Harbour Authority has, independently of "The Harbours and Passing Tolls, &c. Act, 1861," the Power to borrow and secure Money to a limited Amount only, it shall be lawful for the Commissioners, if they think proper, to cause to

this Act had not passed.

to be inserted in any Deed or other Instrument made or executed to secure an Advance by them to such Harbour Authority a Declaration that such advance shall not be taken as Part of such limited Amount; and thereupon, and notwithstanding such Advance, Money to the full Extent of such limited Amount may be borrowed and secured in addition to the Sum secured by the Deed or Instrument containing the Declaration aforesaid, and the Fact of the Secretary for the Time being of the Commissioners being a Party to such Deed or Instrument, and being the Person to whom the Security is made, shall be conclusive Evidence that any such Declaration as aforesaid was inserted therein by the Authority of the Commissioners.

How Priority may be granted.

III. The Priority by the First Section of this Act authorized to be granted may be granted either by the Deed or Instrument whereby the Security to the Public Works Loan Commissioners is made, or from Time to Time by any other Deed or Instrument in Writing under the Hand of the Secretary for the Time being of the Commissioners, and such Priority may be so granted either absolutely or subject to any Terms and Conditions which the Commissioners may think proper to impose.

Harbour Authorities empowered to borrow Money to pay off Debts having Priority over Security for Loans by Public Works Loan Commissioners.

IV. Where any Debt due from a Harbour Authority has or shall have Priority over any Security made or to be made for any Loan by the Public Works Loan Commissioners to the same Harbour Authority, then, notwithstanding any Provision to the contrary contained in the Acts herein-before mentioned, or in any other Act or Acts passed or to be passed relating to the Public Works Loan Commissioners, it shall be lawful for the same Harbour Authority from Time to Time to borrow Money to be applied in paying off any Debt for the Time being having such Priority as aforesaid, and to grant and give Security for such Money similar to the Security which had previously existed for the Debt paid off; and all Securities for Money so borrowed and applied shall have the like Priority as the Security for the Debt paid off thereout previously had.

Short Title

V. This Act may be cited as "The Public Works and Fisheries Acts Amendment Act, 1863."

CAP. LXXXII.

An Act to empower the Bishops of Welsh *Dioceses to facilitate the making Provisions for* English *Services in certain Parishes in* Wales.—[28*th* July 1863.]

CAP. LXXXIII.

CAP. LXXXIII.

An Act to define the Boundaries of the Colony of British Columbia, *and to continue an Act to provide for the Government of the said Colony.*—[28*th* July 1863.]

CAP. LXXXIV.

An Act to confirm certain Acts of Colonial Legislatures.—[28*th* July 1863.]

CAP. LXXXV.

An Act to give Relief to Persons who may refuse or be unwilling, from alleged conscientious Motives, to be sworn in Criminal Proceedings in Scotland.—[28*th* July 1863.]

WHEREAS it is expedient to grant Relief to Persons who may refuse or be unwilling, from alleged conscientious Motives, to be sworn in Criminal Proceedings in *Scotland:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Persons refusing from conscientious Motives to be sworn in Criminal Proceedings in Scotland to be permitted to make a solemn Affirmation or Declaration.

I. If any Person called as a Witness in any Court of Criminal Jurisdiction in *Scotland,* or required or desiring to make an Affidavit or Deposition in the course of any Criminal Proceeding, shall refuse or be unwilling, from alleged conscientious Motives, to be sworn, it shall be lawful for the Court or Judge, or other presiding Officer or Person qualified to take Affidavits or Depositions, upon being satisfied of the Sincerity of such Objection, to permit such Person, instead of being sworn, to make his or her solemn Affirmation or Declaration in the Words following; *videlicet,*

'I *A.B.* do solemnly, sincerely, and truly affirm and declare, 'That the taking of any Oath is according to my Religious 'Belief unlawful; and I do also solemnly, sincerely, and truly 'affirm and declare,' *&c.* Which solemn Affirmation and Declaration shall be of the same Force and Effect as if such Person had taken an Oath in the usual Form.

II. If

Penalty for making false Affirmation.

II. If any Person making such solemn Affirmation or Declaration shall wilfully, falsely, and corruptly affirm or declare any Matter or Thing which, if the same had been sworn in the usual Form, would have amounted to wilful and corrupt Perjury, every such Person so offending shall incur the Pains of wilful and corrupt Perjury.

Short Title.

III. This Act may be cited for all Purposes as "The Oaths Relief in Criminal Proceedings (*Scotland*) Act, 1863."

CAP. LXXXVI.

An Act to authorize the taking of Harbour Dues at Port Erin *in the* Isle of Man, *in order to provide a Fund for the Improvement of the Harbour; and for other Purposes.*—[28*th* July 1863.]

CAP. LXXXVII.

An Act to consolidate and amend the Laws relating to Savings Banks.—[28*th* July 1863.]

WHEREAS numerous Banks for Savings have been established under the Authority of the Acts now in force for the safe Custody and Increase of small Savings: And whereas it is expedient to amend such Laws and to consolidate the same in one Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

After 20th Nov. 1863 the Acts and Parts of Acts specified in Schedule to this Act, marked A. repealed.

I. That the Acts and Parts of Acts set forth in the Schedule to this Act marked A., to the Extent to which they are herein expressed, and all other Acts and Parts of Acts which are inconsistent with this Act, relating to Savings Banks established under such Acts, are repealed from and after the Twentieth Day of *November* One thousand eight hundred and sixty-three, except in so far as is provided by the last Section of this Act: Provided nevertheless, that nothing herein contained shall invalidate or annul any Payments, Receipts, or Appointments made, or Proceedings had, or Bonds or Securities taken or entered into, or Drafts, Powers of Attorney, Certificates, Orders, or other Instruments whatsoever executed, under the Authority of any of the said Acts or Parts of

Not to invalidate Appointments, &c. under former Acts.

of Acts hereby repealed: Provided also, that the Provisions of an Act passed in the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act for the Protection of Banks for Savings in* Scotland, shall continue in force as to all Savings Banks established under it before the passing of this Act, unless and until they shall conform to and be established under the Provisions of this Act.

Proviso as to certain Savings Banks in Scotland established under 59 G. 3. c. 62.

II. And whereas it is expedient to give Protection to such Savings Banks already established as aforesaid and the Funds thereof, and to afford Encouragement to the Formation and Establishment of like Institutions: Be it therefore enacted, That if any number of Persons have formed or shall form any Society in any Part of the United Kingdom of *Great Britain* and *Ireland* for the Purpose of establishing and maintaining any Institution in the Nature of a Bank to receive Deposits of Money for the Benefit of the Persons depositing the same, to accumulate the Produce of so much thereof as shall not be required by the Depositors, their Executors or Administrators, at Compound Interest, and to return the whole or any Part of such Deposit and the Produce thereof to the Depositors, their Executors or Administrators (deducting out of such Produce so much as shall be required for the necessary Expenses attending the Management of such Institution), but deriving no Benefit whatsoever from any such Deposit or the Produce thereof, and shall be desirous of having the Benefit of the Provisions of this Act, such Persons shall cause the Rules and Regulations established or to be established for the Management of such Institution to be entered, deposited, and filed in manner herein-after directed, and thereupon shall be deemed to be entitled to and shall have the Benefit of the Provisions contained in this Act: Provided always, that the Privilege of paying Money into the Banks of *England* or *Ireland*, and of receiving Receipts for the same, shall be and the same is hereby declared to be extended to all such Savings Banks as may have formed or may hereafter form their Rules and Regulations according to the Provisions of this Act; and it shall and may be lawful for the Trustees of such Savings Banks respectively to invest any Funds already accumulated by such Savings Banks, and which shall not have been invested at the Time of the passing of this Act, and to receive Receipts for the same in manner authorized by this Act: Provided nevertheless, that no such Savings Bank to be hereafter formed shall have or be entitled to the Benefits of the Provisions in this Act contained, unless the Formation of the same shall have been sanctioned and approved of by the Commissioners for the Reduction of the National Debt, or on their

What Institutions shall be entitled to the Privileges and Benefits of this Act.

No New Banks to be formed unless approved by Commissioners of

National Debt.

their Behalf by the Comptroller General or Assistant Comptroller acting under the said Commissioners.

Rules of Savings Bank to be entered in a Book and be open to the Inspection of Depositors. Not to prevent Alterations of Rules.

III. No such Savings Bank as aforesaid shall have the Benefit of this Act unless the Rules and Regulations for the Management thereof shall be entered in a Book or Books to be kept by an Officer of such Savings Bank to be appointed for that Purpose, and which Book or Books shall be open at all seasonable Times for the Inspection of the Persons making Deposits in the Funds of such Savings Bank. But, nevertheless, nothing herein contained shall extend to prevent any Alteration in or Amendment of any such Rules or Regulations, or repealing or annulling the same or any of them in the whole or in part, or making any new Rules or Regulations for the Management of such Savings Bank in such Manner as by the Rules and Regulations of such Savings Bank shall from Time to Time be provided; but such new Rules or Regulations, or such Alterations in or Amendments of former Rules or Regulations, or any Order annulling or repealing any former Rule or Regulation in the whole or in part, shall not be in force until the same respectively shall be entered in such Book or Books as aforesaid.

Alterations to be entered in like Manner.

Two written or printed Copies of Rules, &c. to be submitted to Barrister for his Certificate.

IV. Two written or printed Copies of all Rules or Alterations of Rules made for the Management of any Savings Bank requiring the Benefits of this Act, signed by Two Trustees, shall with all convenient Speed after the same shall be made, altered, or amended, and so from Time to Time after every making, altering, or amending thereof, be submitted by the Trustees and Managers for the Time being of such Savings Bank to the Barrister-at-Law appointed by the Commissioners for the Reduction of the National Debt, for the Purpose of ascertaining whether the said Rules, or Alterations, or Amendments thereof, are in conformity to Law and with the Provisions of this Act; and the said Barrister shall give a Certificate on each of the said written or printed Copies that the same are in conformity to Law, or point out in what Part or Parts the said Rules, Alterations, or Amendments are repugnant thereto; and the Fee to be paid to such Barrister for perusing the Rules, Alterations, or Amendments of the Rules of such Savings Bank, and giving such Certificate as aforesaid, shall not at any One Time exceed the Sum of One Guinea; and One of such written or printed Copies, when certified by the said Barrister, shall be returned to the Trustees of the said Savings Bank, and the other of such written or printed Copies shall be transmitted by such Barrister to the Commissioners for the Reduction of the National Debt; and all Rules, Alterations, and Amendments thereof from

Fee payable to Barrister.

Barrister to return one Copy to Savings Bank and transmit the other Copy to Commissioners.

from the Time when the same shall have been certified by the said Barrister shall be binding on the Trustees, Managers, and Officers of the said Savings Bank and the Depositors therein, and their Representatives, and the Copy of such Rules deposited with the said Commissioners, or a true Copy thereof examined with the Original and proved to be a true Copy, shall be received as Evidence of such Rules respectively in all Cases, and no Certiorari shall be brought or allowed to remove any such Rules into any of Her Majesty's Courts of Record; provided that nothing herein contained shall be construed to require any Rule making any Alteration in the Days or Hours of Attendance at any such Savings Bank as aforesaid to be laid before such Barrister.

As to Title of Savings Bank certified under this Act.

V. Every Savings Bank established or to be established under the Provisions of the said hereby repealed Acts or this Act shall be certified under the Provisions of this Act by the Title of "Savings Bank certified under the Act of 1863;" and if any other Bank, Association, or Company, or any other Person, shall use or adopt such Title as their or his Designation, or in carrying on Business, the Members of every such Association or Company, or any of them, or any such Person respectively, shall be guilty of a Misdemeanour, and on Conviction thereof shall be punishable accordingly.

Penalty on using or adopting Titles of other Banks.

No Savings Bank, subject to Proviso hereinafter contained with respect to Branch Offices, &c., shall have Benefit of this Act unless in Rules, &c. it shall be expressly provided as herein specified.

VI. No Savings Bank, subject to the Proviso herein-after contained with respect to the Branch Offices or Local Receivers of any Savings Bank, shall have the Benefit of this Act unless in the Rules and Regulations for the Management thereof it shall be expressly provided,—

1. That no Person or Persons being Treasurer, Trustee, or Manager of such Savings Bank, or having any Control in the Management thereof, shall derive any Benefit from any Deposit made in such Savings Bank, save only and except such Salaries and Allowances or other necessary Expenses as shall according to such Rules and Regulations be provided for the Charges of managing such Savings Bank, and for Remuneration to Officers employed in the Management thereof, exclusive of the Treasurer or Treasurers, Trustee or Trustees, Manager or Managers, or other Persons having Direction in the Management of such Savings Bank, who shall not directly or indirectly have any Salary, Allowance, Profit, or Benefit whatsoever therefrom beyond their actual Expenses for the Purposes of such Savings Bank:
2. That not less than Two Persons, being either Trustees, Managers, or paid Officers appointed for that Specific Purpose,

Purpose, and where Two only, except in the Case of Savings Banks which are open for more than Six Hours in every Week, One such Person to be a Trustee or Manager, be Present on all occasions of public Business, and be Parties to every Transaction of Deposit and Repayment, so as to form at least a double Check on every such Transaction with Depositors:

3. That the Depositor's Pass Book shall be compared with the Ledger on every Transaction of Repayment, and on its First Production at the Bank after each Twentieth day of *November:*
4. That every Depositor in a Savings Bank established under this Act shall once at least in every Year cause his Deposit Book to be produced at the Office of the said Savings Bank for the Purpose of being examined:
5. That no Money be received from or paid to Depositors except at the Office or Branch Offices where the Business of the Savings Bank is carried on under the Authority of the Board of Managers, and during the usual Hours for public Business:
6. That a Public Accountant or One or more Auditors be appointed by the Trustees and Managers, but not out of their own Body, to examine the Books of the Bank, and to report in Writing to the Board or Committee of Management the result of such Audit, not less than once in every Half Year, also to examine an extracted List of the Depositor's Balances made up every Year to the Twentieth day of *November*, and to certify as to the correct amount of the Liabilities and Assets of the Bank:
7. That a Book containing such extracted List of every Depositor's Balance, omitting the Name, but giving the distinctive Number and separate Amount of each, and showing the aggregate Number and Amount of the whole, checked and certified by such public Accountant or Auditors, be open at any Time during the Hours of public Business for the Inspection of every Depositor as respects his own Account, to examine his own Deposit Book therewith, and the general Results of the same:
8. That the Trustees and Managers or Committee of Management shall hold Meetings once at least in every Half Year, and shall keep Minutes of their Proceedings in a separate Book provided for that Purpose:

9. Provided

9. Provided that where Savings Banks are established with Agents or Local Receivers elsewhere than at the Head Office, the Rules shall provide for the due Receipt of and accounting for all Monies by such Agents or Local Receivers on account of such Savings Banks respectively, and also for the Presence of a Second Party in every Transaction when Money is paid or received, and also for the periodical Examination of the Depositors Books with the Ledger once at the least in every Year. Proviso with respect to Branch Offices and Local Receivers of Banks.

VII. The Trustees and Managers of every Savings Bank shall transmit weekly Returns to the Commissioners for the Reduction of the National Debt, in such Form and giving such Particulars as the said Commissioners may direct, showing the Amounts of the Week's Transactions of such Savings Bank, and the Amount of the Cash Balances remaining in the Hands of the Treasurer, or any other Person on account of such Savings Bank. Weekly Returns to be made by Savings Banks to the Commissioners.

VIII. Every Treasurer, Actuary, or Cashier who shall be intrusted with the Receipt or Custody of any Sum of Money subscribed or deposited for the Purpose of such Savings Bank, or any Interest or Dividend from Time to Time accruing therefrom, and every Officer or other Person receiving any Salary or Allowance for his Services from the Funds of any Savings Bank (except in the Cases of Supernumerary Assistants employed at the Periods of balancing the Accounts), unless he shall already have given good and sufficient Security, shall give good and sufficient Security, to be approved of by not less than Two Trustees and Three Managers of such Savings Bank, for the just and faithful Execution of such Office or Trust; and such Security, when given by an Actuary or Cashier, or Officer or other Person receiving any Salary or Allowance for his Services as aforesaid, shall be given by Bond or Bonds, with One or more Sureties, to the Comptroller General of the National Debt Office for the Time being without Fee or Reward, and in case of Forfeiture it shall be lawful for the Trustees or Managers for the Time being of such Savings Bank to sue upon such Bond or Bonds in the Name of such Comptroller General for the Time being, and to carry on such Suit at the Costs and Charges and for the Use of the said Savings Bank, fully indemnifying and saving harmless such Comptroller General from all Costs and Charges in respect of such Suit, and such Bond shall, when executed, be deposited with the Commissioners for the Reduction of the National Debt, and the said Commissioners may, upon Application signed by not less than Two Trustees and Three Managers, Treasurer and other Officers intrusted with Receipt or Custody of Money to give Security.

Managers, in such Form as the said Commissioners shall direct, deliver up to the Trustees of the Savings Bank any such Bond or Bonds which may have been or shall hereafter be deposited with them for the Purpose of being cancelled.

Punishment of Actuary, &c. receiving Deposits and not paying over same to Managers, &c.

IX. If any Actuary, Cashier, Secretary, Officer, or other Person holding any Situation or Appointment in any Savings Bank shall receive any Sum or Sums of Money from or on account of any Depositor or Person desirous of becoming such, or on account of such Savings Bank, and shall not forthwith, or in the Case of Local Receivers acting on behalf of any Savings Bank within the Time specified in the Rules of the said Savings Bank, duly account for and pay over the same to the Trustees or Managers thereof, or to such Person as may be directed by the Rules of the said Savings Bank, such Actuary, Cashier, Secretary, Officer, or Local Receiver, or other Person as aforesaid, on being convicted thereof shall be guilty of a Misdemeanor.

Effects of Savings Bank vested in Trustees for the Time being.

X. All Monies, Goods, Chattels, and Effects whatever, and all Securities for Money, or other obligatory Instruments and Evidences or Muniments and all other Effects whatever, and all Rights or Claims belonging to or had by such Savings Bank, shall be vested in the Trustee or Trustees of such Savings Bank for the Time being, for the Use and Benefit of such Savings Bank and the respective Depositors therein, their respective Executors or Administrators, according to their respective Claims and Interests, and after the Death or Removal of any Trustee or Trustees shall vest in the succeeding Trustee or Trustees for the same Estate and Interest as the former Trustee or Trustees had therein, and subject to the same Trusts, without any Assignment or Conveyance whatever, and also shall, for all Purposes of Action or Suit, as well Criminal as Civil, in Law or in Equity, in anywise touching or concerning the same, be deemed and taken to be, and shall in every such Proceeding (where necessary) be stated to be, the Property of the Person or Persons appointed to the Office of Trustee or Trustees of such Savings Bank for the Time being in his, her, or their proper Name or Names, without further Description, and such Person or Persons shall and they are hereby respectively authorized to bring or defend, or cause to be brought or defended, any Action, Suit, or Prosecution, Criminal as well as Civil, in Law or Equity, touching or concerning the Property, Right, or Claim aforesaid, of or belonging to or had by such Savings Bank; and such Person or Persons so appointed shall and may in all Cases concerning the Property, Right, or Claim aforesaid of such Savings Bank sue and be sued, plead and be impleaded, in his or their proper Name

Name or Names as Trustee or Trustees of such Savings Bank, without other Description; and no such Suit, Action, or Prosecution shall be discontinued or abate by the Death of such Person or Persons, or his or their Removal from the Office of Trustee or Trustees as aforesaid, but the same shall and may be proceeded in by the succeeding Trustee or Trustees in the proper Name or Names of the Person or Persons commencing the same, any Law, Usage, or Custom to the contrary notwithstanding, and such succeeding Trustee or Trustees shall pay or receive like Costs as if the Action or Suit had been commenced in his or their Name or Names for the Benefit of or to be reimbursed from the Funds of such Savings Bank.

Liability of Trustees, &c.

XI. No Trustee or Manager of any Savings Bank (subject to the Provision herein-after contained in respect to Savings Banks in *Ireland*) shall be personally liable, except—

1. For Monies actually received by him on account of or for the Use of such Savings Bank, and not paid over and disposed of in the Manner directed by the Rules of the Savings Bank:
2. For Neglect or Omission in complying with the Rules and Regulations required by this Act to be adopted as herein-before is provided in the Maintenance of Checks, the Audit and Examination of Accounts, the holding of Meetings and keeping Minutes of Proceedings thereat:
3. And also for Neglect or Omission in taking Security from Officers as is herein-before provided.

Power to Trustees and Managers of Savings Banks in Ireland to limit such Responsibility.

XII. Any Trustee or Manager of a Savings Bank in *Ireland* who has declared or shall declare in Writing under his Hand deposited with the Commissioners for the Reduction of the National Debt, that he is willing to be answerable for a specific Amount only, such Amount being in no Case less than One hundred Pounds, shall not be liable to make good any Deficiency which may thereafter arise in the Funds of such Savings Bank beyond the Amount specified in such Writing; provided always, that the Trustee and Manager of every Savings Bank, in *Ireland* shall be personally liable for all Monies actually received by him on account of or to and for the Use of such Savings Bank and not paid over and disposed of in the Manner directed by the Rules of the said Savings Bank; and an Extract of this Provision shall be enrolled as One of the Rules of every such Savings Bank in *Ireland*, and printed and affixed in every Office or Place where Deposits are received, with the Names and Places of Residence of the Trustees and Managers for the Time being, and the Amount (if any)

any) to which they have collectively or individually limited their Responsibility.

Treasurer and Trustees, &c. to account and deliver up Effects when required.

XIII. Every Person who shall have or receive any Part of the Monies, Effects, or Funds of or belonging to any Savings Bank availing itself of the Provisions of this Act, or who shall in any Manner have been or shall be intrusted with the Disposition, Management, or Custody thereof, or of any Securities, Books or Papers, or Property relating to the same, his Executors, Administrators, and Assigns, shall, upon Demand made in pursuance of any Order of not less than Two Trustees and Three Managers of such Savings Bank, or at any General Meeting of the Trustees or Managers thereof, give in his or their Account or Accounts to the said Trustees or Managers, or to such General Meeting of such Savings Bank, or to such other Person or Persons as shall be nominated to receive the same, to be examined and allowed or disallowed by the said Trustees or Managers respectively, and shall on the like Demand pay over all the Monies remaining in his or their Hands, and assign and transfer or deliver all Securities and Effects, Books, Papers, and Property in his or their Hands or Custody to such Person or Persons as the said Trustees or Managers shall appoint, and in case of any Neglect or Refusal to deliver such Account, or to pay over such Monies, or to assign, transfer, or deliver such Securities, Effects, Funds, Books, Papers, or Property in manner aforesaid, it shall be lawful to and for the Trustee or Trustees of such Savings Bank for the Time being to exhibit a Petition to the Justices of the Peace at their General or Quarter Sessions of the Peace, or at any Adjournment thereof, for the County, Riding, Division, or Place wherein such Savings Bank shall be established, who shall and may proceed thereupon in a summary Way, and make such Order therein, upon hearing all Parties concerned, as to such Court in their Discretion shall seem just, which Order shall be final and conclusive, and all Assignments, Sales, and Transfers made in pursuance of such Order shall be good and effectual in Law to all Intents and Purposes whatsoever.

Executors, &c. of Officers of Savings Banks to pay Money due to Savings Banks before any other Debts.

XIV. If any Person already appointed or who may hereafter be appointed to any Office in a Savings Bank, and being intrusted with the keeping of the Accounts, or having in his Hands or Possession by virtue of his said Office or Employment any Monies or Effects belonging to such Savings Bank, or any Deeds or Securities relating to the same, shall die, or become a Bankrupt or Insolvent, or have any Execution or Attachment or other Process issued against his Lands, Goods, Chattels, or Effects, or make any Assignment thereof for the Benefit

Benefit of his Creditors, his Executors, Administrators, or Assignees, or other Persons having legal Right, or the Sheriff or other Officer executing such Process, shall, within Forty Days after Demand made by Two of the Trustees of the said Savings Bank as aforesaid, deliver and pay over all Monies and other Things belonging to such Savings Bank to such Person as the said Trustees shall appoint, and shall pay out of the Estates, Assets, or Effects of such Person all Sums of Money remaining due, which such Person received by virtue of his said Office or Employment, before any other of his Debts are paid or satisfied, or before the Money directed to be levied by such Process as aforesaid is paid over to the Party issuing such Process, and all such Assets, Lands, Goods, Chattels, Estates, and Effects shall be bound to the Payment and Discharge thereof accordingly.

Trustees of Savings Banks shall invest all Money in the Banks of England or Ireland and not in any other Security.

XV. The several Sums of Money belonging to any Savings Bank which the Trustees of such Savings Bank respectively are authorized to invest under this Act or under any Rules or Regulations of any such Savings Banks shall, except as herein-after is excepted, be paid into and invested in the Bank of *England* or the Bank of *Ireland*, as the Case may require, in the Names of the Commissioners for the Reduction of the National Debt, according to the Provisions of this Act enabling such Trustees to make Investments in the Names of the said Commissioners, and no such Sum or Sums shall be paid or laid out by the Trustees of such Savings Bank in any other Manner or upon any other Security whatever, except as aforesaid, and except such Sums of Money as from Time to Time shall necessarily remain in the Hands of the Treasurer or Treasurers of such Savings Bank to answer the Exigencies thereof: Provided always, that nothing herein contained shall restrain or prevent any Depositor, or any Trustee or Trustees acting on behalf of any Depositor or Depositors of any Friendly Society, or any Charitable or Provident Institution or Society, or Penny Savings Bank, from withdrawing from any such Savings Bank any Sum or Sums of Money which shall have been deposited by such Depositor, Friendly Society, Charitable or Provident Institution or Society, or Penny Savings Bank, and investing the same in any other Securities: Provided always, that the Trustees of any Savings Bank already established, or which shall take the Benefit of this Act in manner herein-before provided, shall be and they are hereby empowered to pay into the Bank of *England* or *Ireland* (as the Case may be) any Sum or Sums of Money, not being less than Fifty Pounds, to the Account of the Commissioners for the Reduction of the National Debt, upon the Declaration of the Trustees of such Savings

Not to prevent Depositors withdrawing their Money from Savings Banks for Investment in other Securities.

Trustees empowered to pay into the Banks of England or Ireland any Sum not less than £50

to the Account of the Commissioners for the Reduction of the National Debt.

Savings Bank, or any Two or more of them, that such Monies belong exclusively to the Savings Bank for which such Payment is intended to be made, whether such Monies shall have been deposited therein before the passing of this Act or thereafter shall be deposited therein, and the Cashier or Cashiers of the Banks of *England* and *Ireland* respectively are hereby required to receive all such Monies, and to place the same into the Account raised in the Names of the said Commissioners in the Books of the Banks of *England* and *Ireland* respectively, denominated "The Fund for the Banks for Savings:" Provided nevertheless, that previous to any Payment being made into the Banks of *England* or *Ireland* as aforesaid, the Person or Persons applying for that Purpose shall in all Cases produce to the Officer of the said Commissioners, at their Office in *London* or *Dublin* (as the Case may be), an Order under the Hands of Two of the Trustees of such Savings Bank on the Account of which such Payment is to be made.

Previous to Payments an Order of Two Trustees to be produced.

Not to prevent Trustees from receiving Money to be applied in any other Manner.

XVI. Nothing in this Act contained shall extend to prevent the Trustees of any Savings Bank already established or to be established receiving any Sum or Sums of Money from any Depositor for any Purpose except to be paid into the Bank to the Account of the Commissioners for Reduction of the National Debt, and it shall be lawful for such Trustees to apply any such Sum or Sums of Money in any other Manner for the Benefit of the several Depositors according to the Rules and Regulations of such Savings Banks respectively, anything in the said hereby repealed Acts or in this Act contained to the contrary notwithstanding.

Central Banks may invest the Money of Branch Banks.

XVII. In Cases where any Savings Banks have been or shall be established in any Town or Place, and other smaller Banks have been or shall be established in the Neighbourhood of such Town or Place as Branch Banks thereof, and such Branch Banks by their Treasurers have paid or shall pay any Sums into the Bank in any such Town or Place as a Central Bank, it shall and may be lawful for the said Trustees of any such Central Bank, or any Two of them, to pay into the Bank of *England* or *Ireland* in manner prescribed by this Act, along with the Monies belonging to such Central Bank, any Sum or Sums of Money belonging to and on account of any such Branch Bank: Provided always, that the Treasurer of such Branch Banks shall certify to the Treasurer of such Central Bank that the Amount contributed by any One Depositor in any such Branch Bank in any One Year does not exceed the Limit of Deposits authorized by this Act.

Penalties on False

XVIII. If any Order or Declaration produced to the said Officer for the Purpose of paying Monies into the Banks of *England*

England or *Ireland* to the Account of the said Commissioners as aforesaid shall contain any Matter or Thing which be false or untrue, then and in every such Case the Sum so paid shall be forfeited to the said Commissioners. Declaration to obtain Receipts.

XIX. The said Commissioners shall cause all the Monies paid into the Banks of *England* and *Ireland* respectively, and placed to their Account in pursuance of the Provisions of this Act, to be invested from Time to Time in their Names and to be carried to the Account herein-before provided, under such Regulations as the said Commissioners shall direct, in the Purchase of Bank Annuities or Exchequer Bills or Parliamentary Securities of whatsoever Kind created or issued or which may hereafter be created or issued under the Authority of any Act or Acts of Parliament, for the Interest on which Provision is made by Parliament, or any Stock or Debenture or other Securities expressly guaranteed by Authority of Parliament, and the Interest which shall from Time to Time arise and become due thereon shall in like Manner be invested in the Purchase of such Government Annuities or Exchequer Bills or Securities aforesaid. How Monies paid in on Savings Banks Account are to be invested by Commissioners.

XX. It shall be lawful for any Three or more of the Commissioners for the Reduction of the National Debt for the Time being to execute and do all Matters and Things which the said Commissioners are required or empowered to do in the Execution of this Act. Quorum of Commissioners.

XXI. From and after the Twentieth Day of *November* One thousand eight hundred and sixty-three all Receipts issued prior to that Day to the Trustees of Savings Banks established under the said hereby repealed Acts by the Commissioners for the Reduction of the National Debt shall carry Interest at the Rate of Three Pounds Five Shillings *per Centum per Annum;* and from and after the said Twentieth Day of *November* One thousand eight hundred and sixty-three, upon the Payment of any Sum or Sums of Money into the Banks of *England* or *Ireland* to the Account of the said Commissioners by the Trustees of any Savings Bank established under the said hereby repealed Acts or this Act, it shall be lawful for the Officer or Officers of the said Commissioners in that Behalf, and he and they is and are hereby authorized and empowered, to issue, upon every such Payment being made, a Receipt, signed by One of the Cashiers of the Governor and Company of the Bank of *England* or *Ireland,* as the Case may be, for the Amount of such Payment, carrying Interest at the like Rate of Three Pounds Five Shillings *per Centum per Annum* from the Day of such Payment inclusive, payable with the Principal at the Banks of *England* and *Ireland* respectively whenever the same shall be required or drawn for in manner directed by this Act, and On Payment of Money into the Bank to the Account of National Debt Commissioners, their Officer shall give a Receipt for the same, carrying Interest at £3, 5*s.* per Cent. per Annum.

and such Receipt shall be dated on the Day on which the Payment of any such Sum or Sums of Money shall be made respectively, and every such Receipt shall be in such Form as shall be from Time to Time directed by the said Commissioners, and the Principal and Interest of all Sums mentioned in any Receipt shall be charged and chargeable upon, and the same are hereby charged and made payable out of, all or any Monies standing in any Account in the Names of the said Commissioners, or out of any Monies produced by the Sale of any Stock, or Annuities, Funds, or Exchequer Bills or other Securities standing in their Names in the Books of the Banks of *England* and *Ireland* respectively, as the said Commissioners shall from Time to Time direct: Provided always, that no fractional Part less than One Penny shall be allowed or paid as Interest upon the Principal Sum contained in any Receipt issued under the Provisions of this Act.

Interest due on Money mentioned in Receipt to be calculated half-yearly up to 20th November and 20th May and carried to Account of Savings Bank as additional Principal.

XXII. All Interest which shall become due and payable upon any Sum of Money mentioned in any such Receipt upon the Twentieth Day of *November* and the Twentieth Day of *May* in every Year next after the Date of any such Receipt shall be from Time to Time calculated and computed by the Officer of the said Commissioners, and shall in each and every Year be placed to the Credit of the Savings Bank on whose Account any such Sum of Money was paid within Six Weeks from such Twentieth Day of *November* and Twentieth Day of *May* respectively, and shall be carried to and written on the Account of such Savings Bank, and shall become Principal, and shall from thenceforth carry Interest as Principal Money paid into the said Bank of *England* or *Ireland*, as the Case may be, on the Account of such Savings Bank; and a Receipt according to such Form as the said Commissioners shall approve shall be signed by the Officer of the said Commissioners, and shall be issuable by the said Officer half-yearly within Sixty Days from and after such Twentieth Day of *November* and Twentieth Day of *May* respectively (and such Receipts shall bear Date the Twenty-first Day of *November* and Twenty-first Day of *May* respectively) for the Amount of such Interest so credited and made Principal as aforesaid as if the Amount thereof had been a Payment made by the Trustees of such Savings Bank to the Account of the said Commissioners: Provided always, that no Interest shall be computed or calculated on any fractional Part of a Pound of the half-yearly Balance standing in the Books of the said Commissioners on account of any Savings Bank on any Twentieth Day of *November* or Twentieth Day of *May* respectively.

No Interest to be allowed on any fractional Part of a Pound.

Interest

XXIII. It shall be lawful for the Trustees and Managers of any

any such Savings Bank, if they shall so think fit, to direct that all Interest which shall be payable to the Depositors in such Savings Bank shall yearly, or twice in each and every Year, be calculated and computed by the Trustees of such Savings Bank, or such Person or Persons as they shall appoint, and shall be carried to the Credit of such Depositors respectively, and shall become Principal, and shall from thenceforth carry Interest in all respects as other Principal Money deposited in the said Banks, or as if the said Sum of Interest so credited to the said Depositors respectively had actually been paid to the said Depositors, and by them repaid to the said Trustees and Managers, any Law, Statute, or Usage to the contrary notwithstanding: Provided always, that from and after the Twentieth Day of *November* One thousand eight hundred and sixty-three the Interest payable to Depositors by the Trustees and Managers of any Savings Banks shall not exceed the Rate of Three Pounds and Tenpence *per Centum per Annum.*

Interest arising to Depositors may be calculated yearly or twice a Year and carried to their Credit as Principal.

Interest to Depositors not to exceed £3, 0*s.* 10*d.* per Cent. per Annum.

XXIV. Before Trustees of any Savings Bank shall make any Order or Draft for Payment by the said Commissioners of any Sum or Sums of Money under this Act, the Trustees of such Savings Bank shall make, give, sign, and execute an Appointment under the Hands and Seals of not less than Two of such Trustees, and the Execution of which shall be attested by Two Managers of the same Savings Bank, empowering and authorizing some Person or Persons named in such Appointment to be Agent or Agents for receiving all and every such Sum and Sums of Money as such Trustees shall from Time to Time require to be paid by such Commissioners, and every such Appointment shall be produced by or on behalf of the Person or Persons named therein to the Officer of the said Commissioners Fourteen Days at least before the Payment of any Sum or Sums of Money on account of such Savings Bank; and such Appointment shall remain deposited in the Office of the said Commissioners; and every such Appointment shall be made in such Form and under such Regulations as shall from Time to Time be directed or required or approved of by the said Commissioners or their Officer: Provided always, that it shall be lawful for the Trustees of any Savings Bank by whom any such Appointment shall be made, given, signed, and executed, or for the Survivors or Survivor of such Trustees, to revoke such Appointment by any Certificate or other Instrument under the Hands and Seals or Hand and Seal of such Trustees or Trustee attested by Two Managers of such Savings Bank, and in such Form and under such Regulations as shall be directed or required or approved of by the said Commissioners or their Officer; and in case of the Decease of every such

Before drawing for Money Trustees shall sign Appointment of Agent to receive the same, which Appointment shall be deposited with Commissioners.

Appointments may be revoked and others granted from Time to Time.

such Trustee except One it shall be lawful for the surviving Trustee, together with any other Trustee or Trustees, being not less than Two, of the said Savings Bank, and in case of the Decease of all such Trustees, or in case all such Trustees shall decline or refuse to act, it shall be lawful for not less than Two other Trustees of the said Savings Bank from Time to Time to make, give, and execute an Appointment in manner aforesaid re-appointing the Person or Persons named in such Appointment, or any other Person or Persons in his or their Room or Stead, to be the Agent or Agents of such Trustees, and every such Certificate or Instrument of Revocation and every such new Appointment shall be produced to the Officer of the said Commissioners by the Person or Persons named in such new Appointment Fourteen Days at least before the Payment of any Sum or Sums of Money to the Person or Persons named in such new Appointment, and shall remain deposited in the Office of such Officer.

Trustees may draw for the whole or any Part of any Sum placed to their Account by Drafts on Commissioners, which shall be endorsed by their Officer and paid with the Interest added thereto by Cashiers of the Bank.

XXV. It shall be lawful for the Trustees of any such Savings Bank from Time to Time (by any Draft or Order in Writing under the Hands of any Two Trustees of such Savings Bank, attested by Two other Trustees or Managers or by any Two credible Witnesses, according to such Form as the said Commissioners for the Reduction of the National Debt shall from Time to Time direct,) to require that the whole or any Part of the Principal Sum or Sums of Money standing in the Books of the said Commissioners to the Credit of the Trustees of such Savings Bank shall be paid to such Person or Persons as such Trustees shall from Time to Time require, being the Agent or Agents named in some Appointment executed under this Act or the said hereby repealed Acts, and lodged with the Officers of the said Commissioners as herein-before mentioned and then remaining in force, and every such Draft or Order shall be addressed to the said Commissioners, and upon the same being produced to the Officer of the said Commissioners the said Officer shall, within Five Days after the Production thereof, upon the Back of such Draft or Order indorse and sign an Order in such Form as shall from Time to Time be directed and required by the said Commissioners for the Payment of the Sum mentioned in the Draft or Order of such Trustees, together with the Amount of all Interest due on such Sum up to the Day immediately preceding the Day of the Date of the Order of such Officer, and which Order of such Officer previously to the issuing thereof shall be entered and countersigned by the Clerk or other proper Officer making such Entry, and shall be addressed to the Cashiers of the Governor and Company of the Bank of *England* or *Ireland*, as the Case may be, and

and such Cashiers or One of them shall, upon the Production of such Order, pay the Sum mentioned therein to the Person or Persons mentioned in the Draft or Order of the said Trustees, and the Signature of such Person or Persons, jointly or severally, shall be a sufficient Discharge to the said Commissioners and to the said Governors and Company respectively, and all Payments made in pursuance of such Draft or Order respectively shall be deemed and taken to be Payments made by the said Commissioners to the Trustees of such Savings Banks respectively according to the numerical Order and Priority of Date in which the original Receipts of Money deposited on account of such Savings Banks respectively shall have been issued to the Trustees thereof respectively in manner herein-before mentioned.

Draft exceeding £5000 to be signed by Four Trustees and attested by separate Witnesses.

XXVI. Whenever the Sum to be drawn for by the Trustees of any Savings Bank shall exceed Five thousand Pounds, the Draft or Order for that Purpose shall be signed by not less than Four such Trustees, and the Signature of each and every of the said Four Trustees shall be separately attested by at least One Manager of such Savings Bank, or some One other credible Person; and any Manager or other Person attesting the Signature of any One of the said Four Trustees shall not be an attesting Witness to the Signature of any other of such Four Trustees: Provided also, that whenever the Sum or Sums drawn for by One or more Drafts by the Trustees of any Savings Bank, or by the Trustees of any Friendly Society, shall exceed the Sum of Ten thousand Pounds, the Amount of such Draft or Drafts (if more than One) shall not be payable by the Officer of the said Commissioners until the Expiration of Fourteen Days next after the Day when the Draft or Drafts for such Sum or Sums shall be produced to the said Officer.

Draft for £10,000 not to be paid until after 14 Days.

Officer not to issue in any One Day Orders for more than £10,000 for the same Bank.

XXVII. Such Officer shall be and he is hereby restrained from issuing any Order or Orders for Payment as aforesaid, bearing the same Date, upon any One Day, on account of the same Savings Bank, exceeding in Amount the Principal Sum of Ten thousand Pounds, anything herein-before contained to the contrary thereof in anywise notwithstanding.

Trustees appearing in Person may receive Payments of Drafts, instead of their Agents.

XXVIII. In case any One or more Trustee or Trustees of any Savings Bank, who shall have made, given, signed, and executed any such Appointment, shall at any Time appear in Person at the Office of the said Commissioners in *England* or *Ireland* respectively, and require Payment of any Sum or Sums of Money which might be required by the Person or Persons authorised to receive the same by such Appointments, or if any Trustee or Trustees of any Savings Bank shall appear in Person where no Appointment shall have been made, and

and if such Trustee or Trustees so appearing shall produce a Draft or Order signed by any Two or more Trustees of such Savings Bank for any Sum under Five thousand Pounds, or by any Four or more Trustees for Sums exceeding Five thousand Pounds, no such Trustee or Trustees being himself or themselves a Party or Parties who signed such Draft or Order, and if the Identity of the Person of the Trustee or Trustees so appearing shall be ascertained to the Satisfaction of the said Commissioners or their Officer, it shall be lawful for the said Officer to direct Payment to be made to such Trustee or Trustees so appearing of any Sum or Sums required to be paid by such Order or Draft, in like Manner as if the Person or Persons authorized by such Appointment to receive the same had required such Payment, anything herein-before contained to the contrary in anywise notwithstanding: Provided nevertheless, that notwithstanding the Payment made to such Trustees or Trustee appearing in Person on the Appointment of such Person or Persons as aforesaid, the Appointment shall remain in full force and virtue until revoked by the Trustees as herein-before mentioned.

Such Receipt of Money by Trustees in Person not to affect any previous Appointment of Agents.

From 20th Nov. 1863, Surplus to be paid over to Commissioners for Reduction of National Debt.

XXIX. In all Cases where the Joint Stock or Property of any Savings Bank arising from Deposits made under the said hereby repealed Acts or this Act shall, from and after the Twentieth Day of *November* One thousand eight hundred and sixty-three, be increased by the Interest received beyond the Rate of Interest payable to the Depositors by the Rules and Regulations of such Savings Bank, or by any other Means, the said Trustees or Managers of such Savings Bank, after deducting all such Expenses as they may deem proper, shall, within Six Months after the Twentieth Day of *November* in each Year, ascertain, certify, and pay over to the said Commissioners the Amount of such increased Stock and Property, reserving such Portion as may appear necessary to meet current Expenses, and the Amount of such Surplus which shall be ascertained, certified, and paid over (after such Deduction as aforesaid) shall be discharged from the Account of such Savings Bank standing in the Books of the said Commissioners; and the said Commissioners shall keep a separate and distinct Account of such Surplus so discharged from the Account of the said Savings Banks respectively as aforesaid, and apply the same in such Manner and under such Regulations from Time to Time as any other Monies under the Provisions of this Act: Provided nevertheless, that it shall be lawful for the Trustees or Managers of the said respective Savings Banks, for the Purposes of such Savings Banks respectively, to claim and receive of and from the said Commissioners (who are hereby

Trustees of Savings Banks may upon a Certificate draw on

hereby required to pay the same upon such Certificate as they may appoint) all or any Part of the Principal Monies which may have been already or may be hereafter so discharged from the Account of such Savings Banks respectively as aforesaid under the Provisions of the said hereby repealed Acts or of this Act. such Surplus Fund for the Purposes of the Savings Banks.

XXX. In case the Trustees or Managers of any Savings Bank shall receive or shall have received any Deposit of Money from or for the Benefit of any Person under the Age of Twenty-one Years, it shall be lawful for the Trustees or Managers of such Savings Bank to pay such Person his or her Share and Interest in the Funds of such Savings Bank, and the Receipt of such Person shall be a sufficient Discharge, notwithstanding his or her Incapacity or Disability in Law to act for himself or herself. How Deposits of Minors may be made and paid.

XXXI. It shall be lawful for the Trustees and Managers of any Savings Bank to pay any Sum of Money in respect of any Deposit already made or to be made by married Women, or by Women who may marry after such Deposit, to any such Women, unless the Husband of such Woman shall give to such Trustees or Managers Notice in Writing of his Marriage with such Woman, and shall require Payment to be made to him. How Deposits by married Women may be made and paid.

XXXII. It shall be lawful for the Trustees or Treasurers of any Charitable or Provident Institution or Society, or Charitable Donation or Bequest for the Maintenance, Education, or Benefit of the Poor, or of any Penny Savings Bank within the United Kingdom of *Great Britain* and *Ireland*, to invest, with the Approval of the Commissioners for the Reduction of the National Debt or the Comptroller General acting under them, and under such Regulations as shall be prescribed by them in that respect, the Funds of such Institution or Society, without Restriction as to Amount, into the Funds of any Savings Bank established under the Provisions of the said hereby repealed Acts or of this Act, and also without such Approval of the said Commissioners to invest from Time to Time, if the Trustees and Managers of such Savings Bank shall be willing to receive the same, any Part of the Funds of such Institution or Society or Penny Savings Bank to the Amount of One hundred Pounds *per Annum:* Provided in such last Cases the Amount of the Sum to be invested by any such Institution or Society or Penny Savings Bank shall not at any Time exceed the Sum of Three hundred Pounds in the whole, exclusive of Interest. How Funds of Charitable Societies, &c. and Penny Savings Banks may be invested.

XXXIII. It shall be lawful for the Trustees or Treasurers of any Friendly Society legally enrolled or certified in the Manner How Friendly Societies

duly enrolled, &c. may invest.

Manner required by the Acts in force relating to Friendly Societies to invest any Sum of Money the Property of such Society, without Restriction as to Amount, into the Funds of any Savings Bank established under the Provisions of the said hereby repealed Acts or of this Act, and which shall be willing to receive the same, under such Terms and Conditions as shall be specially provided for that Purpose by the Rules, Orders, and Regulations of such Savings Bank.

Receipt of Trustee, &c. of any Charitable Society, Penny Savings Bank, or Friendly Society, deemed sufficient Discharge.

XXXIV. The Receipt of the Treasurer, Trustee, or other Officer for the Time being of any such Charitable or Provident Institution or Society, Penny Savings Bank, or Friendly Society, for any Money paid according to the Requisition of such Treasurer, Trustee, or other Officer apparently authorized to require such Payment, shall be a sufficient Discharge for the same, and the Savings Bank paying such Money, and the Trustees, Managers, and Officers thereof, shall not be responsible for any Misapplication or for any Want of Authority of the Person or Persons requiring or receiving Payment of such Money.

Members of Friendly or Charitable Societies or Penny Savings Banks not liable to Disability in those Societies by subscribing to any Savings Bank under this Act.

XXXV. No Person who is or shall be a Member of any Friendly Society established or to be established under and by virtue of any Act or Acts relating to Friendly Societies, or a Member of any of the Charitable Institutions or Penny Savings Banks herein-before mentioned, shall, by reason of such Person being or becoming a Depositor in any Savings Bank taking the Benefit of this Act, be considered as subject or liable to any Penalty, Forfeiture, or Disability declared, or expressed or intended so to be, by or in the Rules, Orders, or Regulations of such Friendly Society, Charitable Institution, or Penny Savings Bank respectively, any Rules, Orders, or Regulations of such Friendly Society, Charitable Institution, or Penny Savings Bank made or hereafter to be made to the contrary notwithstanding: Provided also, that no Depositor shall be subject or liable to any Penalty or Forfeiture on account of his belonging to or being interested in the Funds of any Friendly Society or Charitable Institution or Penny Savings Bank deposited in the same or any other Savings Bank.

Proviso for Depositors belonging to Societies, &c.

No Sum to be subscribed without the Name and Profession, &c. of the Depositor.

XXXVI. No Sum shall be paid into any Savings Bank by any Person or Persons by Ticket or Number or otherwise, without disclosing to the Trustees and Managers of such Savings Bank his or her Name, together with his or her Profession, Business, Occupation, Calling, and Residence, and the Trustees and Managers of every Savings Bank are hereby required to cause the Name of such Depositor, together with his or her Profession, Business, Occupation, Calling, and Residence, to be entered in the Books of the Savings Bank.

XXXVII. It

XXXVII. It shall be lawful for the Trustees and Managers of any Savings Bank to receive from any Person or Persons acting as Trustee or Trustees on behalf of any Depositor or Depositors, whether such Person or Persons is or are himself or themselves a Depositor or Depositors in the same or any other Savings Bank or not, any Sum or Sums not exceeding the annual Amount herein-after mentioned, provided that such Trustee or Trustees shall make such Declaration on behalf of such Depositor or Depositors, and subject to the like Conditions as by this Act is required in the Case of any Person or Persons making any Deposit on his or her own Account, and all Deposits made by any such Trustee or Trustees shall be inserted in the Books of such Savings Bank in the joint Names of such Trustees or Trustee and of the Person or Persons in whose Account such Sum shall be so deposited, and the Receipt and Receipts of such Trustee or Trustees, or the Survivor of them, or the Executors or Administrators of any sole Trustee or surviving Trustee, with or without the Receipt of the Person or Persons on whose Account such Sum may have been deposited, shall, provided such Account shall have been opened before the Ninth Day of *August* One thousand eight hundred and forty-four, be a good and valid Discharge to the Trustees and Managers of the Savings Bank: Provided always, that in respect to all such Deposits made after the said Ninth Day of *August* One thousand eight hundred and forty-four Repayment of the same or any Part thereof shall not be made by the Trustees and Managers of any Savings Bank without the Receipt and Receipts of the said Trustee and the Person on whose Account such Deposit may have been made, or the Survivor or Survivors, or the Executors or Administrators of such Survivor, whose Receipt and Receipts, either in Person or by Agent appointed by Power of Attorney, which Power of Attorney shall be valid if executed by an Infant of or exceeding the Age of Fourteen Years, shall alone be a good and valid Discharge to the said Trustees and Managers, except in case of the Insanity or Imbecility of the Party on whose Behalf the Deposit has been made, upon Proof of which, to the Satisfaction of the said Trustees and Managers, Repayment may be made to the said Trustee, and an Abstract of the above Provisions shall be enrolled as One of the Rules of all Savings Banks.

Persons allowed to deposit as Trustees on behalf of others.

How Repayment on Trust Accounts is to be made.

XXXVIII. It shall not be lawful for any Person or Persons who shall have made any Deposit in or who shall be entitled to any Benefit from the Funds of any Savings Bank (unless such Benefit shall be derived solely as Executor, Administrator, or other personal Representative of any deceased Depositor

Depositors in one Savings Bank shall not deposit in any

other Savings Bank.

Declaration to be made at the Time of Deposit.

Penalty on false Declaration, Forfeiture of Deposit to the Sinking Fund.

Declarations shall be filed, and Notice thereof and of the Penalty attached thereto to be placed

Depositor in the same or any other Savings Bank) to make any Deposit in any other Account at the same or any other Savings Bank; and that every Person desirous of making any Deposit in any Savings Bank shall at the Time of the making the First Deposit in any Savings Bank, and at such other Time or Times as such Depositor shall be required so to do by the Trustees and Managers of any such Savings Bank, make a Declaration signed either by themselves, or in case of Infants under the Age of Seven Years by some Person to be approved by the Trustees and Managers, or by such other Person as they shall appoint, in such Form as shall be directed or approved of by the Commissioners or other proper Officer, that the Person or Persons on whose Behalf any such First Deposit shall be required to be made is not or are not entitled to any Deposit or any such subsequent Deposit in, or any Benefit from the Funds of any Savings Bank other than that into which such Deposit shall be made, or any other Funds in the said Savings Bank; and in case any such Declaration shall not be true, or if any Person shall at any Time have or hold or be possessed of any Deposit or Funds in more than One Savings Bank within the United Kingdom, except as aforesaid, every such Person shall, if in the Opinion of the Barrister-at-Law such Deposit was made with a fraudulent Intention, forfeit and lose all Right and Title to any Deposit in or to any Funds of any and every such Savings Bank, and the Trustees and Managers of such Savings Bank shall and they are hereby required in such Case to close the Account of such Depositor, and to cause the Sum or Sums so forfeited to be forthwith paid into the Bank of *England* or Bank of *Ireland*, as the Case may be, to the Account of the Commissioners standing in the Books of the Governors and Company of the said Bank respectively under the Title of "The Account of the Commissioners for applying certain Sums of Money annually to the Reduction of the National Debt," and the Cashier or Cashiers of the said Governors and Company respectively is and are hereby required to receive all such Sums, and to place the same to the said Account, to be applied in like Manner as all other Money placed to the said Account; and every such Declaration so made shall be filed and kept and preserved by the Trustees of every such Savings Bank, and a printed Notice of such Regulation and Prohibition shall be affixed in the Office or Place appointed for the receiving of Deposits of any Savings Bank in such Form as the said Commissioners or their proper Officer shall from Time to Time direct or require or approve; and a Copy of such Declaration, with Notice of the Penalty attached thereto (if false), shall also

also be annexed to or printed at the Beginning of the Deposit Book. in Deposit Book.

XXXIX. It shall not be lawful for the Trustees of any Savings Bank to receive from any One present or future Depositor, within any One Year ending on the Twentieth Day of *November* (whether any Sum or Sums of Money had been previously withdrawn or not), any Sum or Sums exceeding in the whole Thirty Pounds, exclusive of Compound Interest, nor to receive from any Depositor any Sum or Sums of Money whatever which shall make the Sum to which such Depositor shall be entitled exceed the Sum of One hundred and fifty Pounds in the whole, exclusive of Interest as aforesaid: Provided always, that, except in the Cases herein-after provided, whenever the Sum or Sums standing in the Name of any Depositor shall amount in the whole to Two hundred Pounds, Principal and Interest included, thenceforth no Interest shall be payable on any such Deposit so long as it shall continue to amount to the said Sum of Two hundred Pounds: Provided also, that nothing in this Act contained shall prevent or be construed to prevent the Trustees of any Savings Bank from paying Interest to any Depositor whose Deposit on the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight amounted to and has since continued to amount to or exceed the Sum of Two hundred Pounds; nor to prevent any Depositor, having closed his or her Account in any Savings Bank, from making a Deposit in the same or any other Savings Bank, not exceeding the Limit allowed to be received in any One Year from any new Depositor.

Trustees not to receive from any One Depositor more than 30*l.* in any One Year, nor more than 150*l.* in the whole.

When Deposit and Interest amount to 200*l.* Interest to cease.

Not to affect Deposits of 200*l.* on the 28th July 1828.

Depositors not prevented from becoming new Depositors.

XL. If any Depositor in any Savings Bank shall desire to transfer the Amount of his Deposit to any other Savings Bank, he shall, upon Application at the Savings Bank in which his Account shall be open, be furnished with a Certificate stating the whole Amount which may be due to him, with Interest, and thereupon his Account at such Savings Bank shall be closed, and upon Delivery of such Certificate to the Trustees or Managers of the Savings Bank to which it is proposed by the Depositor to transfer such Deposit, they shall forthwith, upon such Depositor's signing such Declaration as is required in the Case of a new Depositor, open an Account for the Amount stated in such Certificate for such Depositor, and the Amount stated in such Certificate shall, upon such Certificate being forwarded to the Commissioners for the Reduction of the National Debt, be transferred in the Books of the said Commissioners from their Account with the Trustees of the Savings Bank issuing such Certificate to the Credit of the said Commissioners Account with the Trustees

How Depositors may transfer their Deposits to any other Savings Bank.

Trustees of the Savings Bank receiving such Certificate; and every such Certificate for Transfer for the Purpose aforesaid shall be in such Form as is set forth in the Schedule hereunto annexed marked B.

Depositor dying leaving any Sum exceeding £50, the same not to be paid until after Administration.

XLI. In case any Depositor in the Funds of any Savings Bank taking the Benefit of this Act shall die leaving any Sum or Sums of Money in the said Funds, or any Dividends or Interest due thereon, belonging to him or her at the Time of his or her Death exceeding in the whole the sum of Fifty Pounds, the same shall not be paid to any Person or Persons as Representative or Representatives of such Depositor but upon the Probate of the Will of the deceased Depositor, or Letters of Administration of his or her Estate and Effects: Provided always, that where the whole Estate or Effects of any such deceased Depositor, for or in respect of which any Probate or Letters of Administration respectively shall be granted, shall not exceed the Value of Fifty Pounds, no Stamp Duty shall be chargeable thereon, nor upon any Legacy or Residue or Part thereof bequeathed, nor upon any Share or Part of the Estate or Effects to be paid or distributed by or under such Probate or Letters of Administration: Provided also, that in every such Case the Person or Persons claiming such Probate or Letters of Administration free from Stamp Duty under this Act shall, in such Case, exhibit to the Court or Person having Authority to grant the Probate or Letters of Administration a Certificate of the Amount of the Principal Money and Interest which the deceased Depositor had in the Funds of the said Savings Bank, which Certificate shall be granted in such Form and Manner as shall have been settled by the Rules or Regulations of the Savings Banks respectively, and shall be signed or testified by such Person or Persons as shall be directed therein, and every such Certificate shall be taken and received by the Court or Person having Authority to grant such Probate or Letters of Administration as Evidence of the Amount of the Deposit and Interest of the deceased Depositor in the Funds of the said Savings Bank.

No Duty to be paid on Probate when the Estate is under £50.

Certificate of Amount and Value of Depositor's Interest to be produced on claiming Probate, &c.

Administration Bonds, &c. for Effects under £50 exempted from Stamp Duty.

XLII. In all Cases where the whole Estate and Effects of any deceased Depositor for or in respect of which Letters of Administration shall be granted shall not exceed the Value of Fifty Pounds Sterling, no Stamp Duty shall be chargeable upon the Bond required to be given by the Administrator for the due Administration of the Effects of such deceased Depositor, nor upon any Affidavit or Document leading to or connected with such Administration, but every such Bond and Affidavit shall be exempted from Stamp Duty in like Manner and

and under the like Regulations as are provided in and by this Act with respect to such Letters of Administration.

When Deposits and Interest do not exceed £50, exclusive of Interest, if Will, &c. not proved within a Month, Money may be paid to Widow or to Party entitled to Effects of Deceased.

XLIII. In case any Depositor in any such Savings Bank shall die leaving any Sum of Money in the said Savings Bank belonging to him or her at the Time of his or her Death, not exceeding in the whole the Sum of Fifty Pounds, exclusive of Interest, and Probate of the Will of the deceased Depositor, or Letters of Administration of his or her Estate and Effects, is not produced to the Trustees and Managers of the said Savings Bank, or if Notice in Writing of the Existence of a Will and Intention to prove the same or to take out Letters of Administration is not given to the said Trustees and Managers within the Period of One Month from the Death of the said Depositor, and in the latter Case unless such Will is proved or Letters of Administration taken out within the Period of Two Months from the Death of the said Depositor, it shall be lawful for the said Trustees and Managers of any Savings Bank to pay and divide the same to or amongst any Person or Persons who shall appear to such Trustees and Managers to be the Widow or entitled to the Effects of such deceased Depositor, according to the Statute of Distribution, or according to the Rules of the said Savings Bank.

Payment to Persons appearing to be the Next of Kin declared valid. Remedy for Next of Kin.

XLIV. The payment of any such Sum of Money shall be valid and effectual with respect to any Demand of any other Person or Persons as Next of Kin of such deceased Depositor, or as the lawful Representative or Representatives of such Depositor, against the Funds of such Savings Bank, or against the Trustees and Managers thereof; but, nevertheless, such Next of Kin or Representatives shall have Remedy for Recovery of such Money so paid as aforesaid against the Person or Persons who shall have received the same.

Payments under Probates of Will, &c. appearing to be in force shall be valid.

XLV. Payment of any Money by any such Savings Bank as aforesaid to any Person or Persons having had granted to him any Letters of Administration to the Effects of a Depositor, or Probate of his Will, or Testamentary Disposition granted by any Ecclesiastical Court, and appearing to be in force, shall be valid and effectual with respect to any Demand of any other Person or Persons as the lawful Representative or Representatives of such Depositor against the Funds of such Savings Bank, or against the Trustees and Managers thereof; but, nevertheless, such lawful Representative or Representatives shall have Remedy for such Money so paid as aforesaid against the Person or Persons who shall have received the same.

Payment on Death of Depositor being

XLVI. If any Depositor in any such Savings Bank, being illegitimate, shall die intestate, leaving any Person or Persons who but for the Illegitimacy of such Depositor would be entitled

illegitimate and intestate.

titled to the Money due to such deceased Depositor, it shall be lawful for the Trustees and Managers of such Savings Bank, with the Authority in Writing of the Barrister appointed to certify the Rules of Savings Banks, to pay the Money due to such deceased Depositor to any One or more of such Persons as in their Opinion would have been entitled to the same according to the Statute of Distributions if the said Depositor had been legitimate; or if there be no such Persons, then that it shall be lawful for the said Trustees or Managers, with the Authority in Writing of the said Barrister, to pay the Amount due to such deceased Depositor to such Person or Persons as shall be approved by the Commissioners of Her Majesty's Treasury, such Approval to be signified to the Trustees and Managers of the Savings Bank by the Commissioners for the Reduction of the National Debt.

Adaptation of the Provisions of this Act to the Law of Scotland.

XLVII. Where this Act provides for Payments made or to be made to any of the Relations of any deceased intestate Depositor according to the Statute of Distribution, the Provisions thereof shall be held in *Scotland* to apply to Payments made or to be made to Persons appearing to be Next of Kin according to the Law of *Scotland;* and where this Act refers to Probate of the Will of the Deceased or Letters of Administration of his or her Estate and Effects, the said Provisions shall in *Scotland* be held to apply to Confirmation by the Law of *Scotland.*

Settlement of Disputes.

XLVIII. If any Dispute shall arise between the Trustees and Managers of any Savings Bank and any individual Depositor therein, or any Executor, Administrator, Next of Kin, or Creditor or Assignee of any Depositor who may become bankrupt or insolvent, or any Person claiming to be such Executor, Administrator, Next of Kin, Creditor, or Assignee, or to be entitled to any Money deposited in such Savings Bank, then and in every such Case the Matter in dispute shall be referred in Writing to the Barrister-at-Law appointed under the said hereby repealed Acts or this Act, who shall have Power to proceed *ex parte* on Notice in Writing to the said Trustees or Managers left or sent through the Post Office by the said Barrister to the Office of the said Savings Bank, and whatever Award, Order, or Determination shall be made by the said Barrister shall be binding and conclusive on all Parties, and shall be final to all Intents and Purposes, without any Appeal.

On Reference, Barrister may inspect Books and administer Oath to Witnesses.

XLIX. On any such Reference it shall be lawful for the said Barrister and he is hereby authorized to inspect any Book or Books belonging to the said Savings Bank relating to the Matter in dispute, and to administer an Oath to any Witness appearing before him, or to take the Affirmation in Cases where

where Affirmation is allowed by Law instead of Oath; and if upon such Oath or Affirmation any Person making the same shall wilfully and corruptly give any false Evidence, every Person so offending shall be deemed and taken to be guilty of Perjury, and shall be prosecuted and punished accordingly.

Powers of Attorney given by Trustees or Depositors and other Documents not liable to Stamp Duty.

L. No Power, Warrant, or Letter of Attorney granted to or to be granted by any Person or Persons, or Trustee or Trustees of any Savings Bank as aforesaid, nor any Power, Warrant, or Letter of Attorney given by any Depositor or Depositors in the Funds of any such Savings Bank to any other Person or Persons authorizing him, her, or them to make any Deposit or Deposits of any Sum or Sums of Money in the said Funds on behalf of the said Depositor or Depositors, or to sign any Document or Instrument required by the Rules or Regulations of such Savings Bank to be signed on making such Deposits, or to receive back any Sum or Sums of Money deposited in the said Funds, or the Dividends or Interest arising therefrom, nor any Receipt nor any Entry in any Book of Receipt for Money deposited in the Funds of any such Savings Bank, nor for any Money received by any Depositor, his or her Executors or Administrators, Assigns, or Attornies, from the Funds of such Savings Bank, nor any Draft or Order, nor any Appointment of any Agent or Agents, nor any Certificate or other Instrument for the Revocation of any such Appointment, nor any Surety-Bond, nor any Submission to, or Award, Order, or Determination of the said Barrister, nor any other Instrument or Document whatever required or authorized to be given, issued, signed, made, or produced in pursuance of this Act, shall be subject or liable to or charged with any Stamp Duty or Duties whatsoever.

Appointment of Auditors in Ireland.

LI. The Trustees of each Savings Bank in *Ireland* shall, as soon as conveniently may be after the passing of this Act, and from Time to Time in case of a Vacancy, appoint an Auditor or Auditors to audit the Accounts of the said Savings Bank, as well as to examine and inspect the Books of the several Depositors, and the said Trustees shall, immediately after such Appointment, transmit the Signature, Name, and Address of the said Auditor or Auditors to the Commissioners for the Reduction of the National Debt; and the Trustees of every such Savings Bank in *Ireland* shall cause the annual and other Statements required to be transmitted under this Act to be certified and verified by the Auditor or Auditors appointed by the said Trustees, in addition to the Attestation by Trustees and Managers, as also required by this Act, and shall also cause a Certificate from the said Auditor or Auditors, as to the Result of his or their Examination of such of the

the Depositors Books as may have been produced to him or them for Examination, to be transmitted with the said annual Statement to the said Commissioners: Provided always, that it shall be lawful for the Trustees of any such Savings Bank in *Ireland* to agree with the Trustees of any other such Savings Bank or Banks in *Ireland* as to the Appointment of a common Auditor or Auditors, and the Auditor or Auditors so appointed for all the said Banks shall be deemed and taken, as soon as the Signature, Name, and Address shall have been transmitted by each such Bank to the said Commissioners, to be the Auditor or Auditors of each such Bank.

Depositor's Book in Ireland to contain Copy of Rules.

Duplicate Copy to be exhibited in the Office.

LII. Every Depositor in every Savings Bank in *Ireland* on his First Deposit shall be furnished with a Deposit Book, in which shall be printed at Length a Copy of the certified Rules of the Savings Bank in which he shall make such Deposit; and a Duplicate Copy of the certified Rules, and of every Alteration and Amendment thereof, and a Duplicate Copy of every annual Statement or Account required by and furnished to the said Commissioners, signed by Two Trustees or Managers of any such Savings Bank, shall be from Time to Time exhibited in the Office of such Savings Bank, and shall be open to the Inspection of every Depositor or Person intending to be such.

Rules in Ireland to provide for Production and Inspection of Books.

LIII. The Rules of every Savings Bank in *Ireland* shall specify a Number of Days, not less than Two in every Year ending on the Twentieth of *November*, in which the Book of each Depositor shall be produced at the Office of the said Savings Bank for the Purpose of being inspected, examined, and verified with the Books of the Savings Bank by the Auditor or Auditors.

Commissioners may close Accounts with Savings Banks in Ireland in certain Cases;

and re-open them if they think fit.

LIV. If it shall appear to the Satisfaction of the said Commissioners that the Clauses of this Act, or the Orders, Directions, and Regulations of the said Commissioners signified by the Comptroller General to the Trustees of any Savings Bank in *Ireland*, have not been complied with by the Trustees or Managers of any Savings Bank in *Ireland*, it shall and may be lawful for the said Commissioners, if they shall so think fit, to close the Account of the said Savings Bank and to discontinue the keeping any further Account with the Trustees thereof, and to direct that no further Sum shall be received at the Bank of *Ireland* from the Trustees of such Savings Bank to the Account of the Commissioners until such Time as such Commissioners shall think proper: Provided always, that the said Commissioners may re-open and allow the growing Interest of such Accounts during the time of such Discontinuance

ance, and authorize the Receipt of Money at the Bank of *Ireland*, whenever the said Commissioners shall think fit so to do, upon such Trustees complying with the Directions of such Commissioners; and the said Commissioners shall forthwith publish a Notification of such Account being closed, or of the same being re-opened, in the *Dublin Gazette*, and also in some Newspaper published in the County in which the said Savings Bank shall be established.

Trustees of Savings Banks shall make up annually Accounts of their Progress, &c., and transmit the same to the Commissioners for Reduction of the National Debt.

LV. For the more effectually ascertaining from Time to Time the actual and progressive State of the several Savings Banks enrolled under the Provision of this Act, the Trustees and Managers of every such Savings Bank shall annually cause a General Statement of the Funds of such Savings Bank invested in the Bank of *England* or the Bank of *Ireland* in the Names of the Commissioners for the Reduction of the National Debt to be prepared up to the Twentieth Day of *November* in each Year, showing the Balance or Principal Sum due to all the Depositors collectively in such Savings Bank, and a Statement of the Expenses incurred, and stating in whose Hands such Balance shall then be remaining; and every such annual Statement shall be attested by Two Managers or Two Trustees, or by one Manager and One Trustee, of such Savings Bank, and every such annual Statement shall be countersigned by the Secretary or Actuary of such Savings Bank, and all such annual Statements shall be transmitted to the Office of the said Commissioners for the Reduction of the National Debt in *London* or *Dublin* (as the Case may be) within Nine Weeks after the Twentieth Day of *November* in each Year; and in case the Trustees of any such Savings Bank shall neglect or refuse to make out and transmit such Accounts as aforesaid, or in case any such Trustees shall at any Time neglect or refuse to obey any Orders or Directions given by the said Commissioners or through their Officer, pursuant to the Directions of this Act, it shall be lawful for the said Commissioners to close the Account of the Trustees of such Savings Bank, and to discontinue the keeping any further Account with the Trustees of such Savings Bank, and to direct that no further Sum shall be received at the Bank of *England* or at the Bank of *Ireland* from the Trustees of such Savings Bank to the Account of the said Commissioners until such Time as such Commissioners shall think fit: Provided always, that it may be lawful for the said Commissioners to re-open such Account, and to allow the growing Interest of such Account during the Time of such Discontinuance, and to authorize the Receipt of Money at the Bank of *England* or *Ireland*, whenever such Commissioners shall think fit to do so, upon such

If Trustees neglect to transmit such Accounts, or to obey any Orders given pursuant to this Act, Commissioners may close their Accounts, &c.

such Trustees complying with the Directions of such Commissioners or their Officer.

If annual Returns are not made, Name of Savings Banks neglecting to be published in Gazette, &c.

LVI. If the annual Statements directed by this Act to be prepared and transmitted by the Trustees of a Savings Bank shall not be prepared and transmitted to the Commissioners for the Reduction of the National Debt within the Time limited by this Act, it shall be lawful for the said Commissioners, or for the Comptroller General or Assistant Comptroller acting under the said Commissioners, and they and he are and is hereby severally required, forthwith to publish in the *London Gazette*, and also in any Newspapers published in the County in which the Savings Bank is established, the Name of every such Savings Bank so neglecting or making default in transmitting such annual Statement as aforesaid, in such Form and Words for the Information of the Depositors, and under such Regulations, as the said Commissioners or the said Comptroller General or Assistant Comptroller shall from Time to Time think fit.

Statement of Expenses may be required from Trustees or Managers.

LVII. It shall be lawful for the Commissioners for the Reduction of the National Debt, or the Comptroller General or Assistant Comptroller acting under the said Commissioners, if they or he shall think fit, to require from Time to Time of and from the Trustees and Managers of any Savings Bank a detailed Statement of all the Expenses whatever incurred by the said Trustees and Managers in the Management or otherwise of the said Savings Bank.

When Money is in the Hands of a Treasurer, &c. his Certificate to accompany the Statement.

LVIII. Whenever it shall appear in any annual Statement that any Sum of Money of or belonging to a Savings Bank is in the Hands of any Treasurer or other Person, the said annual Statement shall be accompanied with a Certificate, signed by such Treasurer or other Person, that the Sum of Money therein mentioned is in his Possession.

A duplicate of such Account shall be affixed in the Office of the Savings Bank.

LIX. The Trustees and Managers of every such Savings Bank shall cause a Duplicate of every such annual Statement, accompanied by a List of the Trustees and Managers of such Institution for the Time being, attested and countersigned as aforesaid, to be publicly affixed and exhibited in some conspicuous Part of the Office or Place where the Deposits of such Savings Bank are usually received, for the Information of all Parties making Deposits therein; and every such Duplicate shall from Time to Time remain so affixed and exhibited until the ensuing annual Statement shall in like Manner be affixed and exhibited as aforesaid; and every Depositor shall be entitled to receive from the said Savings Bank a printed Copy of such annual Statement on Payment of One Penny.

What Accounts

LX. From and after the passing of this Act the Commissioners

sioners for the Reduction of the National Debt shall, at the Close of every Year ending on the Twentieth Day of *November*, make to the Commissioners of Her Majesty's Treasury the following Accounts; First, of the gross Amount of all Sums received and credited, including Interest, and of all Sums paid, including Interest, from the Sixth Day of *August* in the Year of our Lord One thousand eight hundred and seventeen up to such Twentieth Day of *November*, by the said Commissioners on account of the Trustees of the several Savings Banks in *Great Britain* and *Ireland*, and also on account of any Friendly Societies in *Great Britain* respectively, and of the gross Amount of all Sums, Stock, Funds, Annuities, and Exchequer Bills, and other Securities standing in the Names of such Commissioners on the Twentieth Day of *November* on account of any such Savings Banks or Friendly Societies respectively, and the Sums paid for the Purchase of such Stocks, Funds, Exchequer Bills, or other Securities, and the gross Amount of the Interest or Dividends received thereon by the said Commissioners, and the gross Amount of the Interest paid by such Commissioners up to such Twentieth Day of *November* on all Receipts issued to the Trustees of such Savings Banks or Friendly Societies in *Great Britain* and *Ireland* respectively, and also an Account of all Expenses incurred by the said Commissioners for Salaries of Clerks or other incidental Charges during the preceding Year; secondly, an Account of the whole of the several Transactions set forth in detail which shall have taken place during the Course of the previous Year in the Investment of all Monies coming into their Hands for Savings Banks and Friendly Societies, and of the Variations, if any, which have taken place during such Year in the Securities held by the said Commissioners for those Institutions; and, thirdly, an Account, showing the aggregate Amount of the Liabilities of the Government to the Trustees of Savings Banks and Friendly Societies respectively, and the Nature, Amount, and Value of the Securities (taken at the Price of the Day) held by the said Commissioners to meet the same, stating the Amount of Surplus or Deficiency (as the Case may be) thereon; distinguishing in each of such Accounts hereby required to be rendered as aforesaid the Funds of Savings Banks from the Funds of Friendly Societies; and Copies of all such Accounts shall be laid before both Houses of Parliament, not later than the Fifteenth Day of *February*, if Parliament shall be then sitting, and if not then sitting then within Ten Days after the next re-assembling of Parliament.

shall be made by the National Debt Commissioners to the Commissioners of Her Majesty's Treasury, and laid before Parliament.

LXI. In every such Account so to be made to the Commissioners of Her Majesty's Treasury as herein-before is provided

A distinct Account to be

shown in Parliamentary Returns of separate Surplus Funds of Savings Banks in Hands of Commissioners.

provided a distinct Account shall be shown of the aggregate Amount of the separate Surplus Funds of all Savings Banks made up to such Twentieth Day of *November*, and of the gross Amount of all Sums transferred to or paid out of such Surplus Fund in the Course of the previous Year, and of the Balance of such Account then remaining in the Hands of the said Commissioners.

Savings Banks shall compute Interest on 20th May and 20th November, half-yearly or yearly.

LXII. For the purpose of rendering the Accounts of the several Savings Banks in *Great Britain* and *Ireland* uniform and correspondent with the Accounts of the Commissioners for the Reduction of the National Debt the Interest payable to the Depositors in such Savings Banks in *Great Britain* and *Ireland* shall, from and after the Twentieth Day of *November* One thousand Eight hundred and sixty-three, be computed half-yearly to the Twentieth Day of *May* and the Twentieth Day of *November*, or yearly to the Twentieth Day of *November* in each Year, as the Case may be, and to no other Periods.

Commissioners for the Reduction of the National Debt may keep a Balance in the Bank of Ireland for Drafts which may be drawn on account of Savings Banks there.

LXIII. It shall be lawful for the said Commissioners for the Reduction of the National Debt, if they shall so think fit, and they are hereby authorized and empowered, to pay into the Bank of *England* from Time to Time any Sum or Sums of Money to be placed to their Credit in account with the Governor and Company of the Bank of *Ireland* on account of the Fund for the Banks for Savings, under such Regulations as shall be agreed upon from Time to Time between the said Commissioners and the said Governor and Company of the Bank of *Ireland*, and all Sums of Money so placed to the said Commissioners Credit as aforesaid shall be carried to the Account of the said Commissioners by the Cashiers of the said Governor and Company of the Bank of *Ireland*, standing in the Books of the said Bank under the Title of "The Funds for the Banks for Savings," and shall be subject and shall be applied to the several Purposes hereinbefore mentioned, as if every such Sum and Sums of Money had been originally paid into the Bank of *Ireland* to the said Account under the Provisions of this Act.

Receipts, &c. shall be in the Form approved by Commissioners.

LXIV. All Receipts, Orders, Certificates, Endorsements, Accounts, Returns, or Instruments, or other Matters or Things whatsoever which shall be required for carrying into execution this Act, shall be made in such Form and Manner, and containing such Particulars, and under such Regulations as shall from Time to Time be directed or required or approved of by the said Commissioners or their Officer or Officers.

Indemnity to Com-

LXV. This Act shall be a full and sufficient indemnity and

and Discharge to the Commissioners for the Reduction of the National Debt, and to the Governor and Company of the Bank of *England* and Bank of *Ireland* respectively, and their Officers, for all things to be done or required or permitted to be done pursuant to this Act. missioners and Banks of England and Ireland.

LXVI. It shall be lawful for the said Commissioners for the Reduction of the National Debt and they are hereby authorised and empowered to appoint a Barrister-at-Law, and employ such and so many of the Clerks and other Officers as shall be necessary for carrying into execution the Purposes of this Act, and it shall be lawful for the Lord High Treasurer or the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, and he or they is or are hereby authorized and empowered, to settle and appoint such Allowances as shall be proper for the Services, Pains, and Labour of such Clerks or other Persons to be appointed and employed by the said Commissioners in manner and for the Purposes aforesaid, and out of the Fund upon which the Establishment of the said Commissioners is chargeable by any Act now in force to pay and discharge all such Allowances and all other incidental Charges which shall necessarily attend the Execution of this Act in such Manner as to them shall seem just and reasonable. Power to Commissioners to appoint and employ Barrister, Clerks, &c. Power to Treasury to pay them and discharge incidental Expenses.

LXVII. This Act shall, except as herein-after is excepted, extend to all Savings Banks established or hereafter to be established in *England*, *Scotland*, or *Ireland*, and *Berwick-upon-Tweed*, and the Islands of *Guernsey*, *Jersey*, and *Isle of Man*. Act to extend to all Savings Banks in Great Britain and Ireland.

LXVIII. This Act shall not be held to repeal any of the now existing Statutes relating to Savings Banks in so far as relates to Post Office Savings Banks established or to be established under the Twenty-fourth *Victoria*, Chapter Fourteen, nor to repeal any of the Powers and Authorities now vested by those Acts in the Commissioners for the Reduction of the National Debt in regard to the Control, Management, Investment, Conversion, and Regulation of the Funds remitted by the Trustees of Savings Banks or by the Trustees of Friendly Societies to the said Commissioners. Act not to affect Post Office Savings Banks, or Powers of Commissioners for Reduction of National Debt.

SCHE-

SCHEDULES.

SCHEDULE A.

Acts and Parts of Acts repealed.

Date of Act.	Title.	Extent of Repeal.
9 Geo. 4 c. 92.	An Act to consolidate and amend the Laws relating to Savings Banks.	The whole.
3 Will. 4. c. 14.	An Act to enable Depositors in Savings Banks and others to purchase Government Annuities through the Medium of Savings Banks, and to amend an Act of the Ninth Year of His late Majesty to consolidate and amend the Laws relating to Savings Banks.	Sections 21, 22, 25, 28, 29, 30, 31, 32, 33, 34, and 35.
5 & 6 Will. 4. c. 57.	An Act to extend to Scotland certain Provisions of an Act of the Ninth Year of His late Majesty to consolidate and amend the Laws relating to Savings Banks, and to consolidate and amend the Laws relating to Savings Banks in Scotland.	The whole.
7 & 8 Vict. c. 83.	An Act to amend the Laws relating to Savings Banks, and to the Purchase of Government Annuities through the Medium of Savings Banks.	The whole.
11 & 12 Vict. c. 133.	An Act to amend the Laws relating to Savings Banks in Ireland.	The whole.
17 & 18 Vict. c. 50.	An Act to continue an Act of the Twelfth Year of Her present Majesty for amending the Laws relating to Savings Banks in Ireland, and to authorise Friendly Societies to invest the whole of their Funds in Savings Banks.	Section 2.
22 & 23 Vict. c. 53.	An Act to enable Charitable and Provident Societies and Penny Savings Banks to invest all their Proceeds in Savings Banks.	The whole.
23 & 24 Vict. c. 137.	An Act to make further Provision with respect to Monies received from Savings Banks and Friendly Societies.	The whole.

SCHEDULE B.

Form of Certificate for Transfer to another Savings Bank.

To be issued to any Depositor desiring to transfer his [*or* her] Deposits from one Savings Bank to another.

Savings Bank at , in the County of .

Whereas of a Depositor in the above-named Savings Bank, is desirous of closing his [*or* her] Account with the said Bank for the Purpose of transferring his [*or* her] Deposits to the Savings Bank at in the County of , and to enable him [*or* her] so to do the said Depositor has applied for a Certificate of the whole Amount due to him [*or* her] pursuant to the Act [*referring to this Act*]; we hereby certify that the Sum due to the said Depositor for Money deposited by him [*or* her] in this Savings Bank, inclusive of all Interest due to him [*or* her] to this Date, amounts to the Sum of [*state the Amount in Words*], of which the Sum of [*state the Amount, if any, in Words*] has been deposited since the Twentieth of November last; and we further certify that his [*or* her] Account with this Savings Bank has been closed by the Issue of this Certificate.

Witness our Hands this Day of 18 .

_____ } Two of the Trustees or Managers [appointed, for this Object, by the Trustees] of the above-named Savings Bank.

Examined _____

Actuary or Secretary of the above-named Savings Bank.

CAP. LXXXVIII.

An Act to enable Landed Proprietors to construct Works for the Drainage and Improvement of Lands in Ireland.—[28*th* July 1863.]

CAP. LXXXIX.

An Act for the further Amendment of the Law relating to the Removal of Poor Persons, Natives of Ireland, *from* England.—[28*th* July 1863.]

CAP. XC.

An Act to provide for the Registration of Marriages in Ireland.—[28*th* July 1863.]

CAP. XCI.

An Act to extend for a further Period the Provisions of the Union Relief Aid Acts.—[28*th* July 1863.]

CAP. XCII.

An Act for consolidating in One Act certain Provisions frequently inserted in Acts relating to Railways.—[28*th* July 1863.]

WHEREAS The Railways Clauses Consolidation Act, 1845, and the Railways Clauses Consolidation (*Scotland*) Act, 1845, respectively, were passed in order to comprise in One General Act such Provisions relating to Railways in *England* or *Ireland*, or in *Scotland*, respectively, as were at the Times of the passing of those Acts usually introduced into Acts of Parliament authorizing the Construction of Railways:

And whereas sundry Provisions of the like Nature, but not comprised in the said General Acts respectively, are now frequently introduced into Acts of Parliament relating to Railways, and it is expedient to comprise such last-mentioned Provisions also in One General Act, such Act to be applicable to *England* or *Ireland*, or to *Scotland*, as the Case may require, and that as well for the Purpose of avoiding the Necessity of repeating such Provisions in Special Acts relating to Railways, as for ensuring greater Uniformity in the Provisions themselves:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited as The Railways Clauses Act, 1863.

Division of Act into Parts.

II. This Act shall be deemed to be divided into Five Parts, as follows:

Part I. relating to Construction of a Railway;
Part II. relating to Extension of Time;
Part III. relating to Working Agreements;
Part IV. relating to Steam Vessels;
Part V. relating to Amalgamation.

PART I.

Construction of a Railway.

Application of Part I., and Interpretation of Terms.

III. This Part of this Act shall apply to the Railway authorized to be constructed by any Special Act hereafter passed and incorporating this Part of this Act.

In this Part of this Act—

All Terms used have the same Meanings as the same Terms have when used in The Railways Clauses Consolidation Act, 1845, and The Railways Clauses Consolidation (*Scotland*) Act, 1845, respectively:

The Term "Tidal River" means any Part of a River within the Flow and Ebb of the Tide at ordinary Spring Tides:

The Term "Tidal Water" means any Part of the Sea or any Part of a River within the Flow and Ebb of the Tide at ordinary Spring Tides:

The Term "Tidal Lands" means such Parts of the Bed, Shore, or Banks of a Tidal Water as are covered and uncovered by the Flow and Ebb of the Tide at ordinary Spring Tides.

The Provisions respecting the Recovery of Penalties contained in the said Railways Clauses Consolidation Acts respectively, as the Case may require, shall be incorporated with this Part of this Act.

Alteration of Engineering Works.

Power to alter Engineering Works.

IV. Notwithstanding anything in the said Railways Clauses Consolidation Acts, respectively, contained,—the Company, in the Construction of the Railway, may deviate from the Line or Level of any Arch, Tunnel, or Viaduct, described on the deposited

deposited Plans or Sections, so as the Deviation be made within the Limits of Deviation shown on those Plans, and subject to the Limitations contained in Sections Eleven, Twelve, and Fifteen of those Acts respectively, and so as the Nature of the Work described be not altered,—and may also substitute any Engineering Work not shown on the deposited Plans or Sections, for an Arch, Tunnel, or Viaduct, as shown thereon; provided that every such Substitution be authorized by a Certificate of the Board of Trade; and the Board of Trade may grant such Certificate in case it appears to them, on due Inquiry, that the Company has acted in the Matter with good Faith, and that the Owners, Lessees, and Occupiers of the Lands in which the Substitution is intended to be made consent thereto, and also that the Safety and Convenience of the Public will not be diminished thereby.

Provided, that nothing in the present Section shall affect any Power given to the Company or to the Board of Trade by Section Eleven, Twelve, Fourteen, or Fifteen of the last-mentioned Acts respectively.

Level Crossings.

Trains not to be shunted over level Crossings.

V. Where the Company is authorized by the Special Act to carry the Railway across a Turnpike Road or Public Carriageroad on a Level, it shall not be lawful for the Company in shunting Trains to pass any Train over the level Crossing, or at any Time to allow any Train, Engine, Carriage or Truck to stand across the same.

Company to erect Lodge at Point of Crossing.

VI. For the greater Convenience and Security of the Public, the Company shall erect and permanently maintain a Lodge at the Point where the Railway crosses on the Level the Turnpike Road or Public Carriageroad; and the Company shall be subject to and shall abide by all such Regulations with regard to the crossing thereof on the Level, or with regard to the Speed at which Trains may pass the level Crossing, as may from Time to Time be made by the Board of Trade.

If the Company fails to erect, or to maintain, such Lodge, or to appoint or keep a proper Person to watch or superintend the level Crossing, or to observe or abide by any such Regulation as aforesaid, they shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds, and also to a Penalty of Ten Pounds for every Day during which the Offence continues after the Penalty of Twenty Pounds is incurred.

Board of Trade may require

VII. The Board of Trade may, if it appears to them necessary for the Public Safety, at any Time after the passing of the

the Special Act, require the Company, within such Time as the Board of Trade directs, and at the Expense of the Company, to carry the Turnpike Road or public Carriageroad either under or over the Railway by means of a Bridge or Arch, instead of crossing the same on the Level, or to execute such other Works as, under the Circumstances of the Case, may appear to the Board of Trade best adapted for removing or diminishing the Danger arising from the level Crossing. Bridge instead of level Crossing.

Where the Road is so carried either under or over the Railway, it shall not be necessary for the Company to erect or maintain a Lodge at the Point where the Road is crossed, or to appoint a Person to watch or superintend the Crossing thereat, nor shall they be liable to any Penalty for Failure so to do.

VIII. If the Board of Trade certifies that the Public Safety requires that additional Lands be taken by the Company for the Purpose of the Work directed by the Board of Trade to be executed, the Company may, subject to the Provisions of The Lands Clauses Consolidation Act, 1845, or The Lands Clauses Consolidation (*Scotland*) Act, 1845, as the Case may require, enter upon, take, and use, all or any Part of the Lands specified in the Certificate of the Board of Trade as being necessary for the Purpose of the Work; and the Board of Trade before issuing the Certificate shall cause at least Three Months Notice to be given to any Person who may be entitled to claim under the last-mentioned Acts, or otherwise, Compensation in respect of the taking of such Lands or in respect of such Work. Power to Company to take additional Land for such Work.

Junctions.

IX. Where the Company is authorized by the Special Act to make a Junction between the Railway and any other Railway, then and in every such Case all interferences with the Works of the other Railway, necessary or convenient for effecting the Junction, shall be made under the Superintendence and to the reasonable Satisfaction of the Engineer for the Time being of the Company or Person to whom the other Railway belongs; and in Case of any Difference arising as to the Mode of effecting the Junction, the same shall be determined by a Referee to be appointed by the Board of Trade, on the Application of either Party, at the Cost of the Company making the Junction. Communications with other Railways to be made under the Direction of the Engineer of those Railways.

X. With respect to any Lands belonging to the Company or Person to whom the other Railway belongs, which the Company are by the Special Act authorized to use, enter upon, or interfere with, for the Purposes of the Junction, the Company Company to acquire only Easements in Land of

other Railway Company.

Company shall not, except by Agreement, or unless otherwise provided in the Special Act, purchase and take the same, but the Company may purchase and take, and such other Railway Company or Person may and shall sell and grant accordingly, an Easement or Right of using the same for the Purposes of the Junction.

Not to take Lands or interfere with Works of other Company further than necessary.

XI. Nothing relative to the Junction in this Act contained shall be deemed to authorise the Company for the Purposes of the Junction to take or enter upon any Lands belonging to the Company or Person to whom the other Railway belongs, or to alter or interfere with any Railway, or any of the Works thereof, further or otherwise than is necessary for making the Junction and Inter-communication between the Railways, as shown on the deposited Plans and Sections of the Railway to which the Special Act relates, without the previous Consent in Writing in every Instance of such other Railway Company or such Person.

As to Expense of Signals, Watchmen, &c.

XII. The Company or Person with whose Railway the Junction is made may from Time to Time erect such Signals and Conveniences incident to the Junction, either on their or his own Lands or on the Lands of the Company making the Junction, and may from Time to Time appoint and remove such Watchmen, Switchmen, or other Persons as may be necessary for the Prevention of Danger to, or Interference with, the Traffic at and near the Junction. The working and Management of such Signals and Conveniences, wherever situate, shall be under the exclusive Regulation of the Company or Person with whose Railway the Junction is made; and all the Expenses of erecting and maintaining those Signals and Conveniences, and of employing those Watchmen, Switchmen, and other Persons, and all incidental current Expenses, shall, at the End of every Half Year, be repaid by the Company making the Junction, and in default thereof may be recovered from them in any Court of competent Jurisdiction.

Protection of Navigation.

Lights on Works.

XIII. Where the Company is authorized by the Special Act to construct, alter, or extend any Work on, in, over, through, or across Tidal Lands or a Tidal Water, the Company shall, on or near the Work, during the whole Time of the constructing, altering, or extending thereof, exhibit and keep burning at their own Expense, every Night from Sunset to Sunrise, such Lights (if any) as the Board of Trade from Time to Time requires or approves; and (notwithstanding the Enactments for the Time being in force respecting Lighthouses) shall also

on

on or near the Work, when completed, always maintain, exhibit, and keep burning, at their own Expense, every Night from Sunset to Sunrise, such Lights (if any) for the Guidance of Ships as the Board of Trade from Time to Time requires or approves.

If the Company fails to comply in any respect with the Provisions of the present Section, they shall for each Night in which they so fail be liable to a Penalty not exceeding Twenty Pounds.

Construction of Brigdes.

XIV. Where the Company is authorized or required by the Special Act to construct a Bridge over a navigable Tidal Water, and the Special Act does not make express Provision respecting the Span or Spans thereof, then the Company shall construct the same with a Span or Spans of such Headway and Waterway, and with such opening Span or Spans (if any), and according to such Plan, as the Board of Trade directs or approves.

User of Bridges.

XV. Where the Company constructs a Bridge with an opening Span, it shall not be lawful for the Company to detain any Vessel, Barge, or Boat at the Bridge for a longer Time than may be necessary for admitting a Carriage or Engine traversing the Railway and approaching the Bridge to cross the Bridge, and for opening the Bridge to admit the Vessel, Barge, or Boat to pass; and the Company shall be subject to and shall abide by such Regulations with regard to the User of the Bridge as may from Time to Time be made by the Board of Trade.

If the Company detains a Vessel, Barge, or Boat longer than the Time aforesaid, or fails in any respect to abide by any such Regulation as aforesaid, they shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds, without Prejudice to any Remedy against them for any Loss or Damage sustained by any Person.

Access to the Shore under or across the Railway.

XVI. Where the Railway cuts off Access between the Land and a Tidal Water or Tidal Lands, then and in every such Case the Company shall, during the Construction of the Railway, and from Time to Time thereafter, make, and shall permanently maintain, and allow to be used by all Persons, at all Times, free of Toll or other Charge, all such Footways and Carriageways over, under, or across the Railway, or on a Level therewith, as the Board of Trade from Time to Time directs or approves: Provided always, as follows:

(1.) The Company shall not be obliged to make a Footway or Carriageway over Lands for the Use of an Owner or Occupier who has agreed to receive and has been paid

paid Compensation for the Severance thereof from the Tidal Water or Tidal Lands:

(2.) The Company shall not be obliged to make or to allow to be made a Footway or Carriageway in such Manner as would interfere with the working or using of the Railway:

(3.) The Expense of the making and Maintenance of a Footway or Carriageway required to be made after the Construction of the Railway shall be defrayed by the Persons or Body interested in the Tidal Water or Tidal Lands for whose Benefit or Convenience the same is required.

Where the Footway or Carriageway is made across the Railway on the Level, then the Manner of the making and watching of the level Crossing shall be subject to the Approval of the Board of Trade; and where the level Crossing is made after the Construction of the Railway, then all Expenses attending the watching thereof shall be defrayed by the Persons or Body interested in the Tidal Water or Tidal Lands for whose Benefit or Convenience the same is required.

Prohibition of Deviation of certain Works without Consent of Board of Trade.

XVII. Where the Company is authorized by the Special Act to construct a Railway skirting a public navigable Tidal River or Channel, the Company shall not make any Deviation of the Railway from the continuous centre Line thereof marked on the Plan deposited by them at the Board of Trade, even within the Limits of Deviation shown on that Plan, in such Manner as to diminish the navigable Space, without the previous Consent of the Board of Trade, or otherwise than in such Manner as is expressly authorized by the Board of Trade.

If any Deviation is made in contravention of the present Section, the Board of Trade may abate and remove the Work in the Construction whereof the Deviation is made, or any Part thereof, and restore the Site thereof to its former Condition, at the Expense of the Company; and the Amount of such Expense shall be a Debt due from the Company to the Crown, and be recoverable accordingly with Costs, or the same may be recovered, with Costs, as a Penalty is recoverable from the Campany.

Abatement of Work abandoned or decayed.

XVIII. If a Work constructed by the Company on, in, over, through, or across Tidal Lands or a Tidal Water is abandoned, or suffered to fall into Decay, the Board of Trade may abate and remove the Work, or any Part of it, and restore the Site thereof to its former Condition, at the Expense of the Company; and the Amount of such Expense shall be a Debt due

due from the Company to the Crown, and be recoverable accordingly, with Costs, or the same may be recovered, with Costs, as a Penalty is recoverable from the Company.

Survey of Works by Board of Trade.

XIX. If at any Time the Board of Trade deems it expedient, for the Purposes of the Special Act or of this Part of this Act, to order a Survey and Examination of a Work constructed by the Company on, in, over, through, or across Tidal Lands or Tidal Water, or of the intended Site of any such Work, the Company shall defray the Expense of the Survey and Examination; and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs, or the same may be recovered, with Costs, as a Penalty is recoverable from the Company.

PART II.

Extension of Time.

Parties aggrieved by Extension of Time may have Compensation for additional Damage.

XX. Where a Railway is authorized to be constructed by a Special Act passed either before or after the passing of this Act, and the Time limited by the Special Act for the Exercise of Powers of compulsory Purchase of Lands, or of Powers for Construction of the Railway and Works, is extended by a Special Act hereafter passed and incorporating this part of this Act,—then and in every such Case the Justices, Arbitrators, Umpires, or Juries, as the Case may be, who award or assess the Compensation to be made by the Company to the Owners or Occupiers of, or other Persons interested in, Lands taken or used for the Purposes of the Railway and Works, or injuriously affected by the Construction thereof, shall, in estimating the Amount of such Compensation, have regard to, and assess Compensation for, the additional Damage (if any) sustained by those Owners, Occupiers, or other Persons, by reason of the Extension of Time.

Existing Contracts and Notices to take Lands not to be affected.

XXI. The Extension of Time shall not affect any Contract entered into or Notice given by the Company before the passing of the Special Act granting the Extension, for purchasing, taking, or using any Lands which the Company was entitled to purchase, take, or use; but every such Contract and Notice shall be construed and take effect, and the same Proceedings may be had thereunder, and all Parties thereto shall be entitled to the same Rights and Remedies in respect thereof, at Law and in Equity, as if the Extension had not been granted.

PART III.

Working Agreements.

Restrictions on Agreements between Companies.

XXII. Where Two or more Companies are authorized by a Special Act hereafter passed and incorporating this Part of this Act, to agree among themselves with respect to all or any of the following Purposes; namely,—

The Maintenance and Management of the Railways of the Companies respectively, or any One or more of them, or any Part thereof respectively, and of the Works connected therewith respectively, or any of them;

The Use and Working of the Railways or Railway, or of any Part thereof, and the Conveyance of Traffic thereon;

The fixing, collecting, and Apportionment of the Tolls, Rates, Charges, Receipts, and Revenues levied, taken, or arising in respect of Traffic;—

then and in every such Case the Authority so to agree, or the Agreement when entered into, shall not in any Manner affect any of the Tolls, Rates, or Charges which the Companies Parties thereto are from Time to Time respectively authorized to demand and receive from any Person or from any other Company; but all such Persons and Companies shall, notwithstanding the Agreement, be entitled to the Use and Benefit of the Railways of the several Companies, Parties to the Agreement, on the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Charges, as they would be if such Authority had not been given or the Agreement had not been entered into.

Sanction of Shareholders to Agreements.

XXIII. The Agreement shall not, save so far as its Terms and Conditions are authorized by the Railways Clauses Consolidation Act, 1845, or by The Railways Clauses Consolidation (*Scotland*) Act, 1845, as the Case may require, or by any other General Statute or Law from Time to Time in force with respect to the Companies Parties to the Agreement, have any Operation unless and until it is sanctioned by such Proportion of the Votes of the Shareholders and Stockholders entitled to vote in that Behalf at Meetings of the several Companies Parties thereto, present (personally or by proxy) at a General Meeting of each Company specially convened for the Purpose (in manner herein-after mentioned), as is prescribed in the Special Act, and if no Proportion is prescribed, then by Three Fifths of such Votes.

Every such Meeting shall be convened by Circular addressed to each such Shareholder and Stockholder, and served in

in the Manner prescribed by The Companies Clauses Consolidation Act, 1845, or The Companies Clauses Consolidation (*Scotland*) Act, 1845, as the Case may require, with respect to Notices requiring to be served by the Company upon the Shareholders, and also by Advertisement inserted once at least in each of Two consecutive Weeks in some Newspaper published or circulating in the County prescribed in the Special Act, and if no County is prescribed, then in the County in which the Head Office of the Company is situate, the last of such Advertisements to be published not less than Seven Days before the Meeting.

Public Notice of Intention to enter into such Agreement.

XXIV. Before the Companies enter into the Agreement Notice of their Intention to do so shall be given by them or One of them, in a Form to be approved by the Board of Trade, inserted once at least in each of Three successive Weeks in some Newspaper published or circulating in the County prescribed in the Special Act, and if no County is prescribed, then in the County or One of the Counties in which each Railway to the Maintenance, Management, Use, or working whereof the proposed Agreement relates, or some Portion of that Railway, is situate; and the Notice shall set forth within what Time and in what Manner any Company or Person aggrieved by the proposed Agreement, and desiring to object thereto, may bring the Objection before the Board of Trade.

Approval of Board of Trade.

XXV. The Agreement shall not have any Operation until it is approved by the Board of Trade; and the Board of Trade shall not approve the Agreement without being satisfied of its having received such Sanction of Meetings of the respective Companies as aforesaid.

Joint Committee for Purposes of Agreements.

XXVI. The Companies Parties to the Agreement may, in accordance therewith and for the Purposes thereof, appoint a Joint Committee, composed of such Number of the Directors of each Company as the Companies think proper, and from Time to Time may vary and renew the Joint Committee as Occasion requires, and may regulate the Proceedings of the Joint Committee, and may delegate to the Joint Committee all such of the Powers of the Companies as the Companies think necessary for carrying into effect the Purposes of the Agreement; and the Joint Committee shall have and may exercise the Powers so from Time to Time delegated to them in like Manner as the same Powers might be had and exercised by the Companies respectively or their respective Directors.

Agreements between Companies

XXVII. At the Expiration of the first or any subsequent Period of Ten Years after the making of the Agreement, the Board of Trade may, if they are of opinion that the Interests of

may be modified by Board of Trade.

of the Public are prejudicially affected thereby, cause the same to be revised; and the Board of Trade may require the Companies Parties thereto to publish such Notices of any intended Revision of the Agreement as the Board of Trade may direct; and the Board of Trade may modify the Agreement in such Manner as may seem expedient for the Protection of the Interests of the Public, and may declare the Modification to be Part of the Agreement, and the same shall be read and take effect accordingly.

Working Agreements between a Company and an Individual.

XXVIII. Where a Company is authorized by a Special Act hereafter passed, and incorporating this Part of this Act, to agree with a Person being the Proprietor of a Railway with respect to all or any of the Purposes specified in this Part of this Act, then and in every such Case the Provisions of this Part of this Act shall apply, *mutatis mutandis*, to the Company in relation to such Authority and to the Agreement entered into by virtue thereof.

Alteration of Agreement.

XXIX. For the Purposes of this Part of this Act, any Alteration of an Agreement by the Parties thereto shall be deemed an Agreement.

PART IV.

Steam Vessels.

Provision for securing Equality of Treatment.

XXX. Where a Railway Company incorporated either before or after the passing of this Act is authorized by a Special Act hereafter passed and incorporating this Part of this Act, to build, or buy, or hire, and to use, maintain, and work, or to enter into Arrangements for using, maintaining, or working Steam Vessels for the Purpose of carrying on a Communication between any Towns or Ports, and to take Tolls in respect of such Steam Vessels,—then and in every such Case Tolls shall be at all Times charged to all Persons equally, and after the same Rate in respect of Passengers conveyed in a like Vessel passing between the same Places under like Circumstances; and no Reduction or Advance in the Tolls shall be made in favour of or against any Person using the Steam Vessels in consequence of his having travelled or being about to travel on the whole or any Part of the Company's Railway, or not having travelled or not being about to travel on any Part thereof; or in favour of or against any Person using the Railway in consequence of his having used or being about to use or his not having used or not being about to use the Steam Vessels; and where an aggregate Sum is charged by the Company for Conveyance of a Passenger by a Steam Vessel and

on

on the Railway, the Ticket shall have the Amount of Toll charged for Conveyance by the Steam Vessel distinguished from the Amount charged for Conveyance on the Railway.

Application of Railway and Canal Traffic Act.

XXXI. The Provisions of The Railway and Canal Traffic Act, 1854, so far as the same are applicable, shall extend to the Steam Vessels, and to the Traffic carried on thereby.

Company empowered to make Byelaws for regulating Steam Vessels.

XXXII. The Company may from Time to Time make Byelaws in relation to Passengers, Animals, and Goods conveyed in or upon the Steam Vessels, and as to the Embarkation and Disembarkation thereof respectively, and may enforce the Observance of the same by Penalties, in the same Manner as they may with respect to Passengers, Animals, and Goods conveyed upon their Railway; such Byelaws to be sanctioned and authenticated in the same Manner as is required by any Special or other Act with respect to Byelaws relating to the Company's Railway, and being published by being painted on Boards, or printed on Paper and pasted on Boards, and hung up or affixed and continued on some conspicuous Part of every Steam Vessel and Landing-place of the Company; and such Byelaws, and all Penalties in respect of the Breach thereof, shall be enforced and recovered in the same Manner as is provided with respect to Byelaws relating to the Company's Railway, and to Penalties in respect of the Breach thereof.

Recovery of Money by Distress.

XXXIII. All Tolls and Charges for the Steam Vessels due and payable to the Company on any Account whatsoever, and all Costs, Damages, and Expenses by the Special Act directed to be paid in respect of the Steam Vessels, may be levied by Distress; and in *England* or *Ireland* any Justice, and in *Scotland* the Sheriff, may, on Application by or on behalf of the Company, issue his Warrant accordingly.

The Justice or Sheriff who issues the Warrant of Distress may order that the Costs of the Proceedings for the Recovery of the Toll or Sum shall be paid by the Person liable to pay the Toll or Sum, and the Costs shall be ascertained by the Justice or Sheriff, and shall be included in the Warrant of Distress for the Recovery of the Toll or Sum.

Several Names in One Warrant.

XXXIV. Any Number of Names and Sums may be included in any Warrant of Distress or Notice obtained or given by the Company for any of the Purposes of this Part of this Act, or of the Provisions of the Special Act with respect to the Steam Vessels, and may be stated either in the Body of the Warrant or Notice, or in a Schedule thereto.

Provision for Cesser of Powers as to

XXXV. In every Seventh Year after the passing of the Special Act, reckoned from the First Day of *January* next after its passing, the Board of Trade, if they are of opinion that

Steam Vessels, on Report from Board of Trade.

that the Interests of the Public are prejudicially affected by the Exercise of the Powers of the Company relative to Steam Vessels, may give to the Company Notice in Writing thereof, and of the Reasons on which that Opinion is founded, and if the Company does not before the Beginning of the then next Session of Parliament make Provision to the Satisfaction of the Board of Trade for Protection of the Interests of the Public, or if the Injury done to the Interests of the Public is in the Opinion of the Board of Trade incapable of being remedied by the Company, then the Board of Trade, at the Beginning of the Session of Parliament then next following, shall report to both Houses of Parliament such their Opinion, and the Reasons on which that Opinion is founded, and at the Expiration of Twelve Calendar Months after the Presentation to the Houses of Parliament of that Report, the Powers of the Company relative to Steam Vessels, or such of them as are specified in the Report, shall, unless Parliament in the meantime otherwise provides, cease to be exercised.

PART V.

Amalgamation.

Application of Part V.

XXXVI. This Part of this Act shall apply where Two or more Railway Companies, respectively incorporated either before or after the passing of this Act, are amalgamated by a Special Act hereafter passed and incorporating this Part of this Act.

Definition of Cases of Amalgamation.

XXXVII. For the Purposes of this Part of this Act, Companies shall be deemed amalgamated by a Special Act, in either of the following Cases:

(1.) Where by the Special Act Two or more Companies are dissolved, and the Members thereof respectively are united into and incorporated as a new Company:

(2.) Where by the Special Act a Company or Companies is or are dissolved, and the Undertaking or Undertakings of the dissolved Company or Companies is or are transferred to another existing Company, with or without a Change in the Name of that Company:

And in this Part of this Act, such Special Act is referred to as the amalgamating Act; the Company incorporated or continued by or under the amalgamating Act is referred to as the amalgamated Company; and the Time prescribed in the amalgamating Act for the Amalgamation taking effect, and if no Time

Time is prescribed, then the Time of the passing of the amalgamating Act, is referred to as the Time of Amalgamation.

Undertakings of dissolved Companies vested in amalgamated Company.

XXXVIII. In every Case of Amalgamation, the Undertaking, Railways, Harbours, Navigations, Ferries, Wharfs, Canals, Works, Real and Personal Property, Powers, Authorities, Privileges, Exemptions, Rights of Action and Suit, and all other the Rights and Interests of the dissolved Company, shall, subject to the Contracts, Obligations, Debts, and Liabilities of that Company, become at the Time of Amalgamation, and by virtue of the amalgamating Act, vested in the amalgamated Company, and may and shall be held, used, exercised, and enjoyed by the amalgamated Company in the same Manner and to the same Extent as the same respectively at the Time of Amalgamation are, or if the amalgamating Act were not passed might be, held, used, exercised, and enjoyed by the dissolved Company.

Acts relating to dissolved Companies to apply to amalgamated Company.

XXXIX. The Special Acts relating to or affecting the dissolved Company or their Undertaking in force at the passing of the amalgamating Act, shall, except so far as they are thereby expressed to be varied or repealed, remain in full Force; and all Rights and Powers thereby conferred on and vested in the dissolved Company in relation to their Undertaking may be enjoyed and exercised by the amalgamated Company in relation to the dissolved Undertaking; and all Matters to be done, continued, or completed, or which but for the Amalgamation would, might, or could be done, continued, or completed, by the dissolved Company, or their Directors, Officers, or Servants, under or by virtue of those Acts, shall or may be done, continued, or completed, by the amalgamated Company, and their Directors, Officers, and Servants, as the Case may be; and every Special Act, so far as it relates to or affects the dissolved Company or their Undertaking, shall be read and construed as if the name of the amalgamated Company had been used therein in relation to that Undertaking instead of the Name of the dissolved Company.

Saving Debts and Claims of dissolved Companies.

XL. Except as may be otherwise provided in the Special Act, all Debts and Money due from or to the dissolved Company, or any Persons on their Behalf, shall be payable and paid by or to the amalgamated Company; and all Tolls, Rates, Duties, and Money due or payable by virtue of any Act relating to the dissolved Company from or to that Company shall be due and payable from or to the amalgamated Company, and shall be recoverable from or by the amalgamated Company by the same Ways and Means, and subject to the same Conditions, as the same would or might have been recoverable

coverable from or by the dissolved Company if the amalgamating Act had not been passed.

Saving Conveyances, Contracts, &c.

XLI. All Deeds, Conveyances, Grants, Assignments, Leases, Purchases, Sales, Mortgages, Bonds, Covenants, Agreements, Contracts, and Securities which before the Amalgamation have been executed, made, or entered into by, with, to or in relation to the dissolved Company, or the Directors thereof, and which are in force at the Time of Amalgamation, and all Obligations and Liabilities which before the Amalgamation have been incurred by or to, or which but for the Amalgamation might or would have arisen in relation to, the dissolved Company or the Directors thereof, shall be as valid and of as full Force and Effect in favour of, against, or in relation to the amalgamated Company as if the same had been executed, made, or entered into by, with, or to, or in relation to, or had been incurred by or to or had arisen in relation to, the amalgamated Company by Name.

Causes and Rights of Action reserved.

XLII. All Causes and Rights of Action or Suit accrued before the Time of Amalgamation, and then in any Manner enforceable by, for, or against the dissolved Company shall be and remain as good, valid, and effectual for or against the amalgamated Company as they would or might have been for or against the dissolved Company affected thereby, if the amalgamating Act had not been passed.

Actions not to abate.

XLIII. Nothing in the amalgamating Act or in this Part of this Act shall cause the Abatement, Discontinuance, or Determination of or in anywise prejudicially affect any Action, Suit, or other Proceeding at Law or in Equity commenced by or against the dissolved Company, either solely or jointly with any other Company or with any Person, before the Time of Amalgamation, and then pending; but the same may be continued, prosecuted, or enforced by or against the amalgamated Company, either solely or, as the Case may require, jointly with such other Company or with such Person; and all Persons committing Offences against any of the Provisions of any Special Act relating to the dissolved Company before the Amalgamation may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for and recovered, in like Manner in all respects as if the amalgamating Act had not been passed,—the amalgamated Company being in respect of all such Matters considered as identical with the dissolved Company.

Saving Submissions and Awards relating to

XLIV. No Submission to Arbitration of any Matter in dispute between the dissolved Company and any other Company, or any Person, under which any Reference is pending and incomplete at the Time of Amalgamation, and no Award theretofore

theretofore made and then remaining in force, shall be revoked or prejudicially affected by anything in the amalgamating Act or in this Part of this Act contained; but every such Submission and Award shall be as valid and effectual for or against the amalgamated Company as it would have been for or against the dissolved Company. dissolved Companies.

XLV. All Works which the dissolved Company is at the Time of Amalgamation authorized or bound to execute and complete, and which are not then executed or completed, may or shall (as the Case may require) be executed or completed by the amalgamated Company, and for that Purpose the amalgamated Company shall have and be subject to all the Powers, Rights, and Conditions which were conferred or imposed upon the dissolved Company, and which but for the passing of the amalgamating Act might have been exercised by or enforced against the dissolved Company. Unexecuted Works of dissolved Companies may be completed.

XLVI. Where the dissolved Company has under any Special Act entered into any Contract for the Purchase of or taken or used any Lands, which at the Time of Amalgamation have not been effectually conveyed to the dissolved Company, or the Purchase Money in respect of which has not been duly paid by the dissolved Company,—then and in every such Case the Contract, if in force at the Time of Amalgamation, shall thereafter be completed by, and such Lands shall be conveyed to, the amalgamated Company, or as the amalgamated Company directs, and the Purchase Money shall be paid and applied pursuant to the Special Acts relating to the dissolved Company; and those Acts shall, in relation to the Completion of the Contract and the Purchase and Conveyance of the Lands, and the Payment and Application of the Purchase Money in respect thereof, be read and construed as if the amalgamated Company were the Company named in the Acts and Contract. Contracts for Land entered into by dissolved Companies to be executed.

XLVII. Where any Money has, before the Time of Amalgamation, been paid by the dissolved Company, or is thereafter paid by the amalgamated Company under any Special Act relating to the dissolved Company, into the Bank of *England*, or into One of the incorporated or chartered Banks in *Scotland*, or into the Bank of *Ireland*, or to any Trustee or Trustees, on account of the Purchase of any Lands, or any Interest therein, or for any Compensation or Satisfaction, or on any other Account, such Money, or the Stocks, Funds, or Securities in or upon which the same then is or thereafter may be invested by Order of any Court, or otherwise, and the Interest, Dividends, and annual Produce thereof, shall be applied and disposed of pursuant to such Special Act; and that and every other Application of Money paid into Bank or to Trustees.

other Act shall, in relation to such Money, Stocks, Funds, or Securities, or the Interest, Dividends, or annual Produce thereof, be read and construed as if the amalgamated Company were the Company therein named with reference to the same Money, Stocks, Funds, Securities, Interest, Dividends, or annual Produce.

Officers of dissolved Companies to be accountable for Books, &c.

XLVIII. All Officers and Persons who, at the Time of Amalgamation, have in their Possession or under their Control any Books, Documents, Papers, or Effects belonging to the dissolved Company, or to which the dissolved Company would but for such Dissolution have been entitled, shall be liable to account for and deliver up the same to the amalgamated Company, or to such Persons as the amalgamated Company may appoint to receive the same, in the same Manner, and subject to the same Consequences on Refusal or Neglect, as if such Officers and Persons had been appointed by and become possessed of such Books, Documents, Papers, or Effects for the amalgamated Company.

Officers of dissolved Companies to be Officers of amalgamated Company.

XLIX. All Clerks, Officers, and Servants who at the Time of Amalgamation are in the Employment of the dissolved Company shall thereupon become Clerks, Officers, or Servants, as the Case may be, of the amalgamated Company, with the same Rights, and subject to the same Obligations and Incidents in respect of such Employment as they would have had or been subject to as the Clerks, Officers, or Servants of the dissolved Company, and shall so continue unless and until they respectively are duly removed from such Employment by the amalgamated Company, or until the Terms of their Employment are duly altered by the amalgamated Company.

Books, &c. to be Evidence.

L. All Books and Documents which would have been Evidence in respect of any Matter for or against the dissolved Company shall be admitted as Evidence in respect of the same or the like Matter for or against the amalgamated Company.

Resolutions of dissolved Companies to remain in force.

LI. All Resolutions of any General Meeting or Board of Directors of the dissolved Company, or of any duly constituted and authorized Committee thereof, so far as the same are applicable and remain in force, shall, notwithstanding the Dissolution, continue to be operative, and shall apply to the amalgamated Company, and to the Directors, Officers, and Servants of the amalgamated Company, until duly revoked or altered by the amalgamated Company or under their Authority.

Payment of Calls.

LII. All Calls made by the dissolved Company, and not paid at the Time of Amalgamation, shall be payable to and may

may be enforced by the amalgamated Company, as if such Calls had been made by the amalgamated Company.

Registers, Books, and Certificates relating to dissolved Companies to subsist until replaced.

LIII. All Registers of Shares, Stock, Mortgages, and Bonds of the dissolved Company, and all Registers of Transfers thereof respectively, and all Shareholders and Stockholders Address Books, and all Certificates of Shares or Stock of and in the dissolved Company, which are valid and subsisting at the Time of Amalgamation, shall continue to be valid and subsisting, and shall have the same Operation and Effect as before the Dissolution, unless and until new or altered Registers, Books, and Certificates respectively are substituted in their Stead; and all Transfers, Sales, or Dispositions of Stock or Shares made before the Dissolution and not then completed shall have the same Operation and Effect as if made after the Dissolution.

Byelaws to remain in force.

LIV. All the Byelaws, Rules, and Regulations of the dissolved Company relating to the Management, Use, or Control of their Undertaking shall, notwithstanding the Dissolution, continue to be in force and applicable to and in respect of the Undertaking, and shall and may be enforced by and available to the amalgamated Company in their own Name, as well for the Recovery of Penalties as for all other Purposes, as if the same respectively had been originally made by the amalgamated Company, until the Expiration of Twelve Months after the Time of Amalgamation, or until other Byelaws, Rules, and Regulations are duly made by the amalgamated Company in their Stead, whichever first happens.

General Saving of Rights and Claims.

LV. Notwithstanding the Dissolution of the dissolved Company, and the Amalgamation, everything before the Time of Amalgamation done, suffered, and confirmed respectively, under or by virtue of any Special Act relating to the dissolved Company, shall be as valid as if the amalgamating Act had not been passed; and the Dissolution and Amalgamation, and the amalgamating Act, and this Part of this Act, respectively, shall accordingly be subject and without Prejudice to everything so done, suffered, and confirmed respectively, and to all Rights, Liabilities, Claims, and Demands, present or future, which if the Dissolution and Amalgamation had not taken place, and the amalgamating Act had not been passed, would be incident to or consequent on anything so done, suffered, and confirmed respectively; and with respect to all Things so done, suffered, and confirmed respectively, and to all such Rights, Liabilities, Claims and Demands, the amalgamated Company shall to all Intents represent the dissolved Company; and the Generality of this present Provision shall not be deemed to be restricted by any other of the Provisions

visions of this Part of this Act, or by any Provision of the amalgamating Act that does not expressly refer to this present Provision, and expressly restrict the Operation thereof.

CAP. XCIII.

An Act for consolidating in One Act certain Provisions frequently inserted in Acts relating to Waterworks.—[28*th* July 1863.]

10 & 11 Vict. c. 17.

WHEREAS The Waterworks Clauses Act, 1847, was passed in order to comprise in One Act sundry Provisions which were at the Time of the passing of that Act usually introduced into Acts of Parliament authorising the Construction of certain Waterworks:

And whereas sundry Provisions of the like Nature, but not comprised in the said Act, are now frequently introduced into Acts of Parliament relating to Waterworks, and it is expedient to comprise such last-mentioned Provisions also in One Act, and that as well for the Purpose of avoiding the necessity of repeating such Provisions in Special Acts relating to Waterworks, as for ensuring greater Uniformity in the Provisions themselves:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title.

I. This Act may be cited as The Waterworks Clauses Act, 1863; and the Waterworks Clauses Act, 1847, and this Act may be cited together as The Waterworks Clauses Acts, 1847 and 1863.

Application of Act and Interpretation of Terms.

II. This Act shall apply to any Waterworks to which any Special Act hereafter passed and incorporating this Act relates; and every such Special Act is herein-after referred to as "the Special Act."

Terms used in this Act have the same Meanings as the same Terms have when used in the Waterworks Clauses Act, 1847.

The Provisions respecting the Recovery of Penalties contained in the last-mentioned Act shall be incorporated with this Act.

Security

Security of Reservoirs.

And with respect to the Security of the Reservoirs constructed by the Undertakers, be it enacted as follows:

Power for Justices to inquire as to Danger of Reservoir.

III. Whenever any Person interested complains to Two Justices that any Reservoir constructed by the Undertakers is in a dangerous State, such Justices shall forthwith make Inquiry into the Truth of the Complaint; or Two Justices, on their own View, and without complaint by any Person, may proceed under the present Provisions as if a Complaint had been so made to them.

Order of Justices for immediate Repair.

IV. If, on any such Inquiry, the Justices are satisfied that the Complaint is well founded, and that the Reservoir is in a dangerous State, and that the danger is so imminent as not to admit of Delay in removing the Cause of Complaint, they shall order such Person as they think fit to enter on the Property of the Undertakers, and to lower the Water in the Reservoir, and to execute and do all such Works and Things as the Justices think requisite and proper for removing the Cause of Complaint.

Order of Justices on Undertakers to repair Reservoir.

V. If, on any such Inquiry, the Justices are satisfied that there is good cause of Complaint, but are not satisfied that the Reservoir is in such an imminently dangerous State as not to admit of Delay in removing the Cause of Complaint, they shall issue their Summons to the Undertakers to answer the Complaint; and upon hearing the Parties, the Justices may, or upon Default of Appearance of the Undertakers, then in their Absence, the Justices shall order the Undertakers, within such Period as the Justices think reasonable and specify in the Order, to lower the Water in the Reservoir, and to execute and do all such Works and Things as the Justices think requisite and proper for removing the Cause of Complaint.

Order of Justices on Failure of Undertakers to repair.

If the Undertakers fail to execute or do within that Period any such Work or Thing, the Justices who made the Order, or any other Two Justices, on being satisfied of such Failure, may either order such Persons as the Justices think fit to enter on the Property of the Undertakers, and to lower the Water in the Reservoir, and to execute and do all such Works and Things as the Justices think requisite and proper for removing the Cause of Complaint; or may, if they think fit, by Order impose on the Undertakers a Penalty, not exceeding Ten Pounds, for every Day during which such Failure continues after the making of the Order imposing the Penalty.

Form of Order.

VI. Any Order of Justices made in any of the Cases aforesaid shall be in Writing under their Hands, and may be in the

the Form set forth in the Schedule to this Act, with such Variations as Circumstances require.

Persons acting under Order not Trespassers.

VII. Any Person acting under and in pursuance of any such Order shall not be deemed a Trespasser; and if any Person wilfully obstructs any Person lawfully acting in obedience to any such Order, or wilfully does, or instigates, or suffers to be done, anything in contravention thereof, he shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds.

Order for Payment of Costs and Expenses.

VIII. The Justices may order all, or such Part as they think fit, of the Costs of and incident to the applying for and obtaining of any such Order to be paid by the Undertakers, and also all, or such Part as the Justices think fit, of the Expenses of the Works and Things executed and done in pursuance of any such Order by any Person other than the Undertakers, to be paid by the Undertakers to such Person as the Justices appoint.

If the Justices before whom the Complaint is made think that there is no sufficient Ground for the Complaint, they may, if they think fit, order the Complainant to pay to the Undertakers the whole or any Part of their Costs of or incident to the Complaint.

Appeal by Undertakers.

IX. If the Undertakers consider themselves aggrieved by any Order or Determination of Justices under the present Provisions, they may in like Manner and subject to the like Conditions as by The Railways Clauses Consolidation Act, 1845, are provided in the Case of Appeals in respect of Penalties, appeal to the Court of General or Quarter Sessions for the County or Place where the Cause of Appeal arises; and that Court may, on the Hearing of the Appeal, either affirm or quash the Order or Determination, or make such other Order in the Premises as may seem fit, and may make such Order as to the Costs, both of the original Proceedings and of the Appeal, as may seem fit; but the Order or Determination appealed against shall, pending the Appeal, continue in force.

Undertakers not to be responsible for Consequences of Order.

X. Notwithstanding anything in the Special Act contained, the Undertakers shall not be liable to pay any Damages, Penalties, Costs, Charges, or Expenses for or in respect of, or be answerable or accountable for, any Diminution or Cessation of the Supply of Water, or any other Breach or Nonperformance of their or any of their Duties, Liabilities, or Obligations under the Special Act, that may be occasioned by or result from the Execution of any such Order.

Provisions as to Scotland.

XI. The present Provisions with respect to the Security of Reservoirs shall apply to *England* and *Ireland;* and they shall also apply to *Scotland,* subject to the following Variations

tions, namely,—the Sheriff shall be deemed to be empowered thereby, as well as Two Justices; and the Appeal given shall lie from Two Justices in manner provided by Sections One hundred and fifty-one and One hundred and fifty-two of The Railways Clauses Consolidation (*Scotland*) Act, 1845, and shall lie from a Sheriff Substitute to the Sheriff Depute, where the Matter comes in the first instance before a Sheriff Substitute; and in that Case the Sheriff Depute shall hear and determine the Appeal, and may either confirm, recall, vary, or supersede the Order of the Sheriff Substitute as he thinks proper; and the Costs of the Appeal shall be in the Discretion of the Sheriff; and the Order or Judgment of the Sheriff in the Appeal shall be final.

Supply of Water.

And with respect to the Supply of Water to be furnished by the Undertakers, be it enacted as follows:

Supply for other than domestic Purposes.

XII. A Supply of Water for domestic Purposes shall not include a Supply of Water for Cattle, or for Horses, or for washing Carriages where such Horses or Carriages are kept for Sale or Hire or by a Common Carrier, or a Supply for any Trade, Manufacture, or Business, or for watering Gardens, or for Fountains, or for any ornamental Purpose.

Want of Supply for other than domestic Purposes, when excused.

XIII. Where the Undertakers are authorized by the Special Act to supply Water for other than domestic Purposes, they shall not be liable, in the Absence of express Stipulation, under any Agreement for the Supply of Water for other than domestic Purposes, to any Penalty or Damages for not supplying such Water, if the Want of such Supply arises from Frost, unusual Drought, or other unavoidable Cause or Accident.

Power to let Meters for Hire.

XIV. Where the Undertakers are authorized by the Special Act to supply Water by Measure, they may let for Hire to any Consumer of Water so supplied any Meter or Instrument for measuring the Quantity of Water supplied and consumed, and any Pipes and Apparatus for the Conveyance, Reception, or Storage of the Water, for such Remuneration in Money as may be agreed upon between them and the Consumer, which shall be recoverable in the same Manner as Rates due to the Undertakers for Water; and the Meters, Instruments, Pipes, and Apparatus shall not be subject to Distress or to the Landlord's Hypothec for Rent of the Premises where the same are used, or be attached or taken in Execution under any Process of any Court of Law or Equity, or under or in pursuance of any Adjudication or Order in Bankruptcy, or other legal Proceeding,

Proceeding, against or affecting the Consumer of the Water or the Occupier of the Premises, or other the Person in whose Possession the Meters, Instruments, Pipes, and Apparatus may be.

Power for ascertaining Quantity Consumed by Meter, and for removing Meters, &c.

XV. The Officers of the Undertakers may enter any House, Building, or Lands to, through, or into which Water is supplied by them by Measure, in order to inspect the Meters, Instruments, Pipes, and Apparatus for the measuring, Conveyance, Reception, or Storage of Water, or for the Purpose of ascertaining the Quantity of Water supplied or consumed, and may from Time to Time enter any House, Building, or Lands, for the Purpose of removing any Meter, Instrument, Pipe, or Apparatus the Property of the Undertakers; and if any Person hinders any such Officer from entering or making such Inspection, or effecting such Removal, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds; but, except with the Consent of a Justice or the Sheriff, this Power of Entry shall be exercised only between the Hours of Ten in the Forenoon and Four in the Afternoon.

Protection of Water.

And with respect to the Waste or Misuse of the Water supplied by or belonging to the Undertakers, be it enacted as follows:

Power to cut off Water in certain Cases.

XVI. If any Person supplied with Water by the Undertakers wrongfully does or causes or permits to be done anything in contravention of any of the Provisions of the Special Act, or wrongfully fails to do anything which, under any of those Provisions, ought to be done for the Prevention of the Waste, Misuse, undue Consumption, or Contamination of the Water of the Undertakers, they may (without Prejudice to any Remedy against him in respect thereof) cut off any of the Pipes by or through which Water is supplied by them to him, or for his use, and may cease to supply him with Water, so long as the Cause of Injury remains or is not remedied.

Penalty for Waste, &c. of Water by Non-repair of Pipes, &c.

XVII. If any Person supplied with Water by the Undertakers wilfully or negligently causes or suffers any Pipe, Valve, Cock, Cistern, Bath, Soil-pan, Watercloset, or other Apparatus or Receptacle to be out of repair, or to be so used or contrived as that the Water supplied to him by the Undertakers is or is likely to be wasted, misused, unduly consumed, or contaminated, or so as to occasion or allow the return of foul Air, or other noisome or impure Matter, into any Pipe belonging to or connected with the Pipes of the Undertakers, he shall for every

every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty for Application of Water contrary to Agreement.

XVIII. If any Person—

First, not having from the Undertakers a Supply of Water for other than domestic Purposes, uses, for other than domestic Purposes, any Water supplied to him by the Undertakers; or

Secondly, having from the Undertakers a Supply of Water for any other than domestic Purposes, uses, for any Purposes other than those for which he is entitled to use the same, any Water supplied to him by the Undertakers,—

he shall for every such Offence be liable to a Penalty not exceeding Forty Shillings, without Prejudice to the Right of the Undertakers to recover from him the Value of the Water misused.

Penalty for Extension or Alteration of Pipes.

XIX. It shall not be lawful for the Owner or Occupier of any Premises supplied with Water by the Undertakers, or any Consumer of the Water of the Undertakers, or any other Person, to affix or cause or permit to be affixed any Pipe or Apparatus to a Pipe belonging to the Undertakers, or to a Communication or Service Pipe belonging to or used by such Owner, Occupier, Consumer, or other Person, or to make any Alteration in any such Communication or Service Pipe, or in any Apparatus connected therewith, without the Consent in every such case of the Undertakers; and if any Person acts in any respect in contravention of the Provisions of the present Section, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, without Prejudice to the Right of the Undertakers to recover Damages from him in respect of any Injury done to their Property, and without Prejudice to their Right to recover from him the Value of any Water wasted, misused, or unduly consumed.

Penalty for use of Water without Agreement.

XX. If any Person, not being supplied with Water by the Undertakers, wrongfully takes or uses any Water from any Reservoir, Watercourse, Conduit, or Pipe belonging to the Undertakers, or from any Pipe leading to or from any such Reservoir, Watercourse, Conduit, or Pipe, or from any Cistern or other like Place containing Water belonging to the Undertakers, or supplied by them for the use of any Consumer of the Water of the Undertakers, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Recovery of Rates.

And with respect to the Recovery of Water Rates and other Money, be it enacted as follows:

XXI. If

Recovery of Rates by Action.

XXI. If any Person refuses or neglects to pay to the Undertakers any Rate or Sum due to them under the Special Act, they may recover the same with Costs, in any Court of competent Jurisdiction; and their Remedy under the present Section shall be in addition to their other Remedies for the Recovery thereof.

SCHEDULE.

Form of Order of Justices.

To *A.B.* of &c.

We the undersigned, Two of Her Majesty's Justices of the Peace acting for the [County] of
do hereby order and direct you [and such Person and Persons as you may require to aid and assist you herein,] forthwith to lower the Water in the [*here describe the Reservoir and the Extent to which the Water is to be lowered,*] and to do all such Works and Things as are requisite to repair and make secure the said Reservoir [and you shall do as little Injury as possible to the Property of the and for acting as you are hereby directed this shall be your sufficient Warrant].

Given under our Hands this Day of
One thousand eight hundred and

A.B.
C.D.

CAP. XCIV.

An Act to amend the Law relating to the Repair of Turnpike Roads in England, *and to continue certain Turnpike Acts in* Great Britain.—[28*th* July 1863.]

None of the *Acts* mentioned in the Schedule annexed to this Act apply to Scotland.

CAP. XCV.

An Act for continuing various expiring Acts.—[28*th* July 1863.]

WHEREAS the several Acts mentioned in the First Column of the Schedule hereto are wholly, or as to certain Provisions thereof, limited to expire at the Times specified in respect of such Acts in the Fourth Column of the said Schedule: And whereas it is expedient to continue such Acts, in so far as they are temporary in their Duration, for the Times mentioned

mentioned in respect of each such Act in the Fifth Column of the said Schedule: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as the "Expiring Laws Continuance Act, 1863."

Continuance of Acts.

2. The Acts mentioned in Column One of the said Schedule, together with the Acts, if any, amending the same, shall, in so far as such Acts or any Provisions thereof are temporary in their Duration, be continued until the Times respectively specified in respect of such Acts in the Fifth Column of the said Schedule.

SCHEDULE.

1. Original Acts.	2. Amending Acts.	3. How far temporary.	4. Time of Expiration of temporary Provisions.	5. Continued until
3 & 4 Vict. c. 89. - Poor Rates Stock in Trade Exemption.	- - -	Whole Act -	1st October 1862, and End of then next Session. (22 & 23 Vict. c. 44.)	1st October 1865, and End of then next Session.
10 & 11 Vict. c. 90. Poor Laws (Ireland).	14 & 15 Vict. c. 68.	As to Powers of Commissioners.	23d July 1863, and End of then next Session. (25 & 26 Vict. c. 83.)	23d July 1864, and End of then next Session.
10 & 11 Vict. c. 98. Ecclesiastical Jurisdiction.	- - -	As to Provisions continued by 21 & 22 Vict. c. 50.	1st August 1862, and End of then next Session. (22 & 23 Vict. c. 45.)	1st August 1863, and End of then next Session.
11 & 12 Vict. c. 32. County Cess (Ireland).	20 & 21 Vict. c. 7.	Whole Act -	1st August 1863, and End of then next Session. (24 & 25 Vict. c. 58.)	1st August 1864, and End of then next Session.
11 & 12 Vict. c. 107. Sheep and Cattle diseased.	16 & 17 Vict. c. 72.	Whole Act -	1st August 1863, and End of then next Session. (21 & 22 Vict. c. 62.)	1st August 1864, and End of then next Session.
14 & 15 Vict. c. 104. Episcopal and Capitular Estates Management.	17 & 18 Vict. c. 116. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124.	Whole Act -	1st January 1863, and End of then next Session. (24 & 25 Vict. c. 131.)	1st January 1864, and End of then next Session.
25 & 26 Vict. c. 29. Landed Property Improvement (Ireland).	- - -	As to certain Powers conferred on Commissioners of Public Works.	1st January 1864 -	1st January 1865, and End of then next Session.

CAP. XCVI.

An Act to amend the Petty Sessions (Ireland) *Act* (1851), *and the Petty Sessions Clerks* (Ireland) *Act* (1858).—[28*th* July 1863.]

CAP. XCVII.

An Act to enable Cities, Towns, and Boroughs of Twenty-five thousand Inhabitants and upwards to appoint Stipendiary Magistrates.—[28*th* July 1863.] (England and Wales.)

CAP. XCVIII.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.—[28*th* July 1863.] (England.)

CAP. XCIX.

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and sixty-three, and to appropriate the Supplies granted in this Session of Parliament.—[28*th* July 1863.]

CAP. C.

An Act to render Owners of Dogs in Scotland *liable in certain Cases for Injuries done by their Dogs to Sheep and Cattle.*—[28*th* July 1863.]

WHEREAS it is expedient to amend the Law as to the Liability of the Owners of Dogs for Injuries done to Sheep and Cattle by such Dogs: Be it therefore enacted by the

the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

As to Proof of previous Propensity of Dog to injure Sheep, &c.

I. In any Action brought against the Owner of a Dog for Damages in consequence of Injury done by such Dog to any Sheep or Cattle, it shall not be necessary for the Pursuer to prove a previous Propensity in such Dog to injure Sheep or Cattle.

Who shall be deemed the Owner of the Dog.

II. The Occupier of any House or Place or Premises in which any Dog which has injured any Sheep or Cattle has been usually kept or permitted to live or remain at the Time of such Injury shall be liable as the Owner of such Dog, unless the said Occupier can prove that he was not the Owner of such Dog at the Time the Injury complained of was committed, and that such Dog was kept or permitted to live or remain in the said House or Place or Premises without his Sanction or Knowledge.

Extent of Act.

III. This Act shall extend to *Scotland* only.

CAP. CI.

An Act to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes.—[28*th* July 1863.]

CAP. CII.

An Act to reduce the Duty on Rum in certain Cases.—[28*th* July 1863.]

18 & 19 Vict. c. 38.

WHEREAS by an Act passed in the Eighteenth and Nineteenth Years of Her Majesty's Reign, Chapter Thirty-eight, Spirit of Wine is allowed to be methylated Duty-free, and it is expedient to allow Foreign and Colonial Rum to be also methylated, on Payment of the reduced Duty hereinafter mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. It

Foreign and Colonial Rum may be methylated in Customs Warehouse.

I. It shall be lawful for the Commissioners of Customs to permit and authorize any licensed Rectifier of Spirits, or any Person who shall be duly licensed under the said recited Act to make or mix Methylated Spirits, to mix in the Customs Warehouse, and under such Conditions and Regulations as the said Commissioners shall direct, Foreign or Colonial Rum of not less Degree of Strength than Twenty *per Cent.* over Proof, and in a Quantity not less at One Time than the Contents of the whole Cask in which the same shall have been imported, with not less than One Ninth of its Bulk Measure of Wood Naphtha or Methylic Alcohol, or with such other Article or Substance as in the said recited Act is mentioned, and thereupon such Mixture shall be allowed, chargeable only with the reduced or differential Duty herein-after mentioned, for Use for such Purposes and in such Manner as is allowed by the said recited Act, or any Act amending the same, with regard to Methylated Spirit: Provided that no such Rum shall be so mixed as aforesaid until Payment shall have been made to the said Commissioners of Customs of the Difference between the Duty of Customs chargeable on the Importation of such Foreign and Colonial Rum respectively and the Duty of Excise chargeable on Spirits distilled in the United Kingdom.

Wood Naphtha, &c. to be provided by Inland Revenue, and Rum, when mixed, to be denominated Methylated Spirit.

II. All Wood Naphtha or Methylic Alcohol, or other such Article or Substance as aforesaid, to be mixed with such Rum, shall be provided by the Commissioners of Inland Revenue for and at the Expense of the Person proposing to make such Mixture, and the said Mixture shall be denominated Methylated Spirit, and shall be removed, under the Certificate of the proper Officer of Customs, to some approved Store belonging to a Rectifier of Spirits or to a licensed Maker of Methylated Spirit.

Provisions of 18 & 19 Vict. c. 38, and 24 & 25 Vict. c. 91. applied to Spirits mixed under this Act.

III. All the Powers, Provisions, Clauses, Regulations, Forfeitures, Pains, and Penalties contained in the said recited Act and in the Act passed in the Twenty-fourth and Twenty-fifth Years of Her Majesty's Reign, Chapter Ninety-one, in relation to Methylated Spirit, shall be applied and put in force with respect to all Spirits mixed under the Provisions of this Act.

Methylated Spirit may be exported.

IV. It shall be lawful to export any Methylated Spirit mixed under the Provisions of this Act or of the said first-recited Act, under such Regulations as the Commissioners of Customs or Inland Revenue shall respectively make in that Behalf.

CAP. CIII.

CAP. CIII.

An Act to amend the Law in certain Cases of Misappropriation by Servants of the Property of their Masters.—[28*th* July 1863.]

§ V. This Act shall extend to *England* only.

CAP. CIV.

An Act for confirming certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, *relating to* Blackpool, Deal *and* Walmer, Exmouth, Rosehearty, Ilfracombe, Instow, Bangor, Chatham, Bray, Dartmouth, *and* Nairn.—[28*th* July 1863.]

WHEREAS a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any Validity or Force whatever until the Confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act, and set out in the Schedule hereto should be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Confirmation of Orders in Schedule.

I. The several Provisional Orders set out in the Schedule hereto shall be and are hereby confirmed, and all the Provisions thereof in Manner and Form as they are set out in the said Schedule shall, from and after the passing of this Act, have full Validity and Force.

Short Title.

II. This Act may be cited as The Pier and Harbour Orders Confirmation Act, 1863.

NAIRN.

NAIRN.

Provisional Order of the Board of Trade for the Maintenance and Regulation of the Harbour of Nairn.

Preamble. Whereas the Provost, Magistrates, and Town Council of the Royal Burgh of Nairn, in Scotland, as representing the community of the said burgh, herein-after called The Nairn Harbour Board, are the proprietors of the Harbour of Nairn, by virtue of various Royal Charters, Infeftments, and Acts of Parliament, and have levied anchorages and customs, tolls, rates, and dues on vessels and goods, which are at present defined and regulated by and according to a schedule thereof drawn up and settled in the year one thousand eight hundred and forty-six:

And whereas the Nairn Harbour Board have expended large sums of money in maintaining and improving the said Harbour, and with that view have from time to time raised considerable sums of money by the sale of lands belonging to the burgh, and also upon mortgages of the said Harbour rates, customs, and dues, and of lands belonging to the burgh, which mortgages are still outstanding:

And whereas the Harbour rates, customs, and dues, as defined by the said schedule, are insufficient for the payment of the interest on the said mortgages, and for the maintenance and repair of the said Harbour:

And whereas the revenue arising therefrom has been reduced by reason of an exemption constituted by usage now claimed and enjoyed by the burgesses of the said burgh from payment of half harbour or shore dues on vessels and goods at the said Harbour: and also of an exemption from payment of dues at a certain Breakwater at the said Harbour, in respect of vessels, boats, and craft employed in the white and herring fisheries, or in carrying materials for the same, or for curing, and of the white fish, herrings, and materials carried by them, constituted by bond dated the fifteenth day of June, one thousand eight hundred and forty-six, granted by the Nairn Harbour Board to the Honourable the Commissioners for the British White Herring Fishery:

And whereas, under The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, the Nairn Harbour Board made application by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after

herein-after called The Board of Trade, praying for (among other things) a Provisional Order under the said Acts for power to levy and recover rates according to the Schedule in the memorial referred to, and for the extinction of the said exemptions:

And whereas the Nairn Harbour Board published the advertisements and deposited the documents which, by the last-mentioned Act, they were required to publish and deposit:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

Now, therefore, the Board of Trade do by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, order—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force:—

Power to levy rates according to Schedule.

1. Notwithstanding any law, custom, or usage, right, privilege, or exemption heretofore to the contrary existing in favour of the burgesses of Nairn, or others, the Nairn Harbour Board may demand and receive, in respect of the vessels, goods, persons, animals, and things described in the Schedule hereunto annexed, any sums not exceeding the rates in that Schedule specified.

Custom House officers exempt from rates.

2. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress, on, into, along, through, and out of the Pier and Harbour of Nairn, and works connected therewith belonging to and vested in the Nairn Harbour Board, by land, and with their vessels and otherwise, without payment.

Extinction of exemptions from payment of rates.

3. All exemptions from payment of harbour, shore, tonnage, or other dues or rates, in respect of vessels, boats, or other craft resorting to or using the said Pier and Harbour of Nairn, or the breakwater thereat, or any of the works or accommodations connected therewith, or in respect of any fish, fishing, or curing materials, or other cargo therein, whether arising or constituted by law, custom, or usage, or otherwise howsoever, and particularly the exemption constituted

tuted by the said bond dated the fifteenth day of June one thousand eight hundred and forty-six, granted by the Nairn Harbour Board to the Honourable the Commissioners for the British White Herring Fishery, shall, from and after the passing of an Act confirming this Order, be extinguished, and cease to exist.

Application of rates.

4. The rates received under this Order shall be applicable for the purposes and in the order following, and not otherwise:

1. In paying the costs of and connected with the preparation and making of this Order;
2. In payment of the interest of any money borrowed by the Nairn Harbour Board on the security of the Harbour or Harbour rates, and for the time being due and owing;
3. In the maintenance of the Harbour works;
4. In repayment of the principal of any money borrowed as aforesaid on the security of the Harbour or Harbour rates, and for the time being due and owing;
5. As to the surplus revenue of the Harbour, if any, after providing for the purposes aforesaid, the same shall be applied in repayment of any advances heretofore made for the purposes of the Harbour, out of the produce of the sale of land belonging to the community of the burgh of Nairn, or out of any other money belonging to the community, not exceeding in the whole the sum of ten thousand pounds, the amount of such advances to be shown to the satisfaction of the Board of Trade:

And the Nairn Harbour Board shall from time to time revise the scale of rates received under this Order, so that the produce of the rates may always, as far as is practicable, be sufficient and not more than sufficient for the payments directed or authorized in and by the present clause.

Power to borrow.

V. For the purpose of paying off the subsisting mortgages affecting the Harbour rates as aforesaid, or any other mortgages granted by the Nairn Harbour Board for the time being in force, or for the purpose of maintaining, repairing, or improving the Harbour, the Board may from time to time borrow such sum or sums as they deem expedient, or they may accept and take from any bank or banking company credit to such amount as they deem expedient, on a cash account to be opened and kept in the name of the Board, according to the usage of bankers in Scotland, and they may assign the rates hereby authorized in security of the repayment of the sum or sums so borrowed, or of the amount of such credits or of the sums advanced from time to time on such cash account, with interest

interest thereon respectively, by assignations under their common seal, and signed by three of their members, which assignations may be in the form as near as may be in the Schedule (B.) to The Burgh Harbours (Scotland) Act, 1853, annexed, and shall be recorded in the register of sasines for the Burgh of Nairn, and have preference according to the priority of their registration therein, except in so far as a pari passu preference may by the assignations have been established among all or some of them, as being assignations of parts of one capital sum, which the Board may by a resolution of a specified date have determined to borrow in parts; and until repayment of the sums so to be borrowed, with the interest due thereon, the same in so far as remaining unpaid, and the assignations in security thereof, shall form real liens on the rates hereby authorized to be levied, preferable to all other debts and claims, except such mortgage debts affecting the Harbour rates as may be subsisting at the time of the passing of the Act confirming this Order; and every assignation to be granted in pursuance hereof may be transferred in whole or in part by a separate transfer in the form as near as may be of the Schedule (C.) to The Burgh Harbours (Scotland) Act, 1853, annexed; provided that all such transfers shall be recorded in the said register of sasines, and that when two or more transfers shall have been granted of the whole or part of one assignation, they shall have preference according to the priority of their registration excepting in so far as they may have been granted subject to a pari passu preference inter se.

Saving rights of present mortgagees of Harbour Board.

VI. The debts of the Nairn Harbour Board secured on mortgage of the Harbour rates, which at the time of the passing of the Act confirming this Order are subsisting, shall then become and be a charge upon the rates hereby authorized; and nothing in this Order shall prejudice or alter the rights to priority, inter se, of charge upon such rates of the several holders of such mortgages, or any of the rights, privileges, and remedies belonging or incident to such mortgages respectively.

Arrears of interest, &c. may be enforced by the appointment of a judicial factor.

VII. If within two months after the interest on any mortgages granted by the Nairn Harbour Board has become due, or after the period prescribed for the payment of the principal sums in such mortgages has expired, such interest or principal (as the case may be) shall not be paid, the holders of such mortgages, as well in respect of mortgages now subsisting as of such as may hereafter be granted by the Board, may, without prejudice to any rights, remedies, or security otherwise competent to or held by them, require the appointment of a judicial factor by an application to be made as herein-after provided.

 VIII. Every

Appointment of a judicial factor.

VIII. Every application for a judicial factor under the provisions of this Order shall be made to the sheriff or sheriff substitute of the county of Nairn. On any such application, the sheriff or sheriff substitute may, by order in writing, after hearing the parties, appoint some person to receive the whole or a competent part of the Harbour rates hereby authorized, until all the arrears of interest or of principal, as the case may be, then due on the outstanding mortgages of the Nairn Harbour Board, together with all costs, including the charges of receiving the said rates, be fully paid. Upon such appointment being made, all such rates as aforesaid shall be paid to and received by the person so appointed, and the money so received shall be so much money received by or to the use of the mortgagees of the Board, and so soon as the full amount of any interest or principal in arrear, and costs, has been so received, the power of such judicial factor shall cease: Provided always, that such judicial factor shall distribute among all the mortgagees to whom interest or principal shall be in arrear, the rates which shall so come into his hands, having respect in such distribution to the priorities, if any, of such mortgagees.

Amount to authorize application for judicial factor.

IX. The amount to authorize the application for appointment of a judicial factor shall be one thousand pounds in one or more mortgages.

Incorporation of portions of The Harbours, Docks, and Piers Clauses Act, 1847.

X. Notwithstanding anything in The General Pier and Harbour Act, 1861, Amendment Act contained, the following provisions of The Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, namely, sections sixteen to nineteen, both inclusive, and sections twenty-five and twenty-six; this Order shall be deemed "the Special Act" within the meaning of the last-mentioned Act.

Incorporation of portions of Lands Clauses Consolidation Acts.

XI. The Lands Clauses Consolidation (Scotland) Act, 1845, except with respect to the purchase and taking of lands otherwise than by agreement, and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Order, but nothing in this Order shall authorize the Nairn Harbour Board to take lands, for the purposes of this Order, exceeding in extent in the whole five acres.

Meters and weighers.

XII. The Nairn Harbour Board shall have the appointment of meters and weighers within the Harbour.

Steam vessels, lighters, &c.

XIII. The Nairn Harbour Board may provide such steam engines, steam vessels, piling engines, ballast lighters, rubbish lighters, and other machinery and vessels as they think necessary for the purposes of the Harbour, and may demand and receive such sums for the use of the same as they think reasonable.

Pilotage, lights,

XIV. The Nairn Harbour Board shall be a pilotage authority and

and a local authority within the meaning of The Merchant Shipping Act, 1854, with all the powers by that Act conferred on pilotage authorities and on local authorities. buoys, and beacons.

XV. Part V. of The Harbours and Passing Tolls Act, 1861, shall apply to the Harbour of Nairn. Part V. of 24 & 25 Vict. c. 47. to apply.

XVI. The Provost, Magistrates, and Town Council of the burgh of Nairn may be called The Nairn Harbour Board in all deeds, documents, and proceedings relating to the Harbour. Designation of Board.

XVII. This Order may be cited as The Nairn Harbour Order, 1863. ShortTitle.

Board of Trade, Whitehall.
Dated this 13th day of April 1863.

(Signed) T. H. Farrer,
Assistant Secretary.

SCHEDULE.

I.—Anchorage, or Rates on Vessels entering or using the Harbour.

	s.	d.
For every vessel wholly or partly decked :—		
If under 20 tons burden . . . per ton	0	4
If 20 tons burden or upwards	0	6
For every boat entirely undecked :—		
If landing or taking on board goods, or cured, dried, or salted fish, per ton burden . . .	0	2
If entering while or after being engaged in the white, herring, salmon, or shell fishing, per boat	0	4

II.—Stance Dues.

For every herring boat not engaged in the herring fishing at Nairn, but hauled up there for wintering—Stance Dues, yearly . . per boat	4	0

III.—Rates on Passengers.

For every person landing from or embarking in any vessel or boat in the harbour	0	3

IV.—Rates on Animals and Goods shipped or unshipped, received or delivered in the Harbour.

Ballast . . . . . per ton	0	1
Boxes and casks, empty, exclusive of empties returned . . . . . each	0	1

Boxes

Boxes and Casks, returned empty within three months after arriving full	Exempt	
Ditto, ditto, if returned empty after three months, each	0	0½
Bricks, tiles, and slates, all kinds . . per 1000	1	0
Cake and feeding stuffs for cattle, all kinds . per ton	1	0
Cattle and other live animals, viz. :—		
Horses, asses, mules, bulls, cows, and oxen . each	1	0
Calves, sheep, and pigs . . . . each	0	1½
Lambs and other live animals, except poultry . each	0	1
Live poultry . . . . . per dozen	0	3
Coals, all kinds . . . . . per ton	0	5
Corn, all kinds . . . . per quarter	0	2
Fish, viz. :—Salmon, herring, and white, all kinds, fresh, cured, salted, and dry . . per cwt.	0	1
Flour and meal . . . . . per cwt.	0	1
Guano, bones, and other extraneous, artificial, light, or portable manures . . . . per ton	1	0
Hay and straw . . . . . per ton	0	8
Lime . . . . . per ton	0	5
Or, in the Collector's option . per 8 bushels	0	1
Luggage of each Passenger arriving or leaving, if more than two barrels bulk . . per barrel bulk	0	2
Manure, common . . . . . per ton	0	2
Salt . . . . . per ton	1	0
Shell fish, all kinds (bait for fishing exempted) per cwt.	0	1
Spirits and wine, all kinds . . per gallon	0	0½
Stones, undressed . . . . . per ton	0	1
Ditto, dressed . . . . . per ton	0	2
Ditto, paving . . . . . per ton	0	4
Tea . . . . . per 80 lbs.	0	5
Timber, unwrought, all kinds, two per cent. of value or quantity, at Collector's option.		
All other goods, articles, and effects not enumerated :—		
By weight . . . . . per cwt.	0	1¼
Or, in the Collector's option, by measurement . . . . . per barrel bulk	0	3

In charging the rates on goods, the gross weight or measurement to be taken, and for any less weight or measurement than those above specified, a proportion of the respective rates shall be charged, not being less than 1*d.* for any one box, parcel, or package.

Five cubic feet, not exceeding 2½ cwt., to be rated as a barrel bulk ; but when the weight of five cubic feet is greater than 2½ cwt., then 2½ cwt. is to be rated as a barrel bulk.

V.—Rates for the use of Sheds, Cranes, and Weighing Machines.

1. *Sheds.*

For each ton and each 8 barrels bulk of goods which shall remain in any shed, or on the pier, for any longer time than 48 hours, for the first day, or part of a day, 3*d.*; and for each day thereafter, 1½*d.*

2. *Use of Cranes.*		s.	d.
For all goods raised or lowered . .	per ton	0	2

3. *Use of Weighing Machines.*

For coals, lime, and timber . . .	per ton	0	2
For hay and salt	per load	0	6
For all other goods and commodities .	per ton	0	4

CAP. CV.

An Act to remove certain Restrictions on the Negotiation of Promissory Notes and Bills of Exchange under a limited Sum.—[28*th* July 1863.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. From and after the passing of this Act, the Act passed in the Seventeenth Year of the Reign of King *George* the Third, Chapter Thirty, and so much and such Part and Parts of any other Act or Acts as continue or revive the said Act, or as prohibit or restrain, or impose any Penalty for or on account of the publishing, uttering, or negotiating in *England* of any Promissory or other Note, not being a Note payable to Bearer on Demand, Bill of Exchange, Draft, or Undertaking in Writing, being negotiable or transferable, for the Payment of Twenty Shillings, or above that Sum and less than Five Pounds, or on which Twenty Shillings, or above that Sum and less than Five Pounds, shall remain undischarged, made, drawn, or endorsed in any other Manner than as directed by the said Act of the Seventeenth Year aforesaid, and also the Seventeenth Section and Schedules (C.) and (D.) of an Act passed in

17 G. 3. c. 30., &c., restraining Negotiation in England of Notes and Bills for a limited Sum, and Sect. 17. and Schedules (C.) and (D.) of 8 & 9 Vict. c. 38., restraining Negotiation in Scotland of like

Notes, &c., repealed. in the Eighth and Ninth Years of Her Majesty's Reign, Chapter Thirty-eight, requiring or directing that all such Notes, Bills, Drafts, or Undertakings as aforesaid which shall be issued in *Scotland* shall be made, drawn, or endorsed according to the Forms contained in the said Schedules respectively, shall be and the same is and are hereby repealed.

Term of Act. II. This Act shall continue in force for Three Years, and until the End of the then next ensuing Session of Parliament.

CAP. CVI.

An Act to further amend the Law relating to the Conveyance of Land for Charitable Uses.—[28*th* July 1863.] (England.)

CAP. CVII.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.—[28*th* July 1863.]

CAP. CVIII.

An Act to extend and make compulsory the Practice of Vaccination in Scotland.—[28*th* July 1863.]

WHEREAS it is expedient to extend, and in certain Cases to make compulsory, the Practice of Vaccination in *Scotland*, and to make further Provision for the Vaccination of the Poor: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Parochial Boards to appoint Vaccinators. I. Within Two Months after the passing of this Act the Parochial Board of every Parish or Combination of Parishes in *Scotland* shall appoint a registered Medical Practitioner or Practitioners to be the Vaccinator or Vaccinators within such Parish or Combination.

II. The

As to Remuneration of Vaccinators.

II. The Remuneration to each such Vaccinator shall depend on and be regulated by the Number of Persons not previously vaccinated who have been successfully vaccinated by such Vaccinator; and the Allowance for every Person so vaccinated shall not be less than One Shilling and Sixpence when the Vaccination is performed within Two Miles of the Residence of the Vaccinator by the nearest public Road, and Two Shillings and Sixpence when beyond that Distance.

Registration Districts.

III. For the Purposes of Registration under this Act, as herein-after provided, every Registration District, as the same exists at the Time, or may from Time to Time be erected, under and in virtue of an Act passed in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, Chapter Eighty, intituled *An Act to provide for the better Registration of Births, Deaths, and Marriages in* Scotland, and of another Act passed in the Eighteenth Year of the Reign of Her present Majesty, Chapter Twenty-nine, intituled *An Act to make further Provision for the Registration of Births, Deaths, and Marriages in* Scotland, shall be a Vaccination District.

Parochial Boards to give Notice of Names of Vaccinators.

IV. The Parochial Board of every Parish or Combination shall from Time to Time give Notice to the Board of Supervision, the Registrar General, and the Registrar or Registrars for the District within which such Parish or Combination may be wholly or partially situated, of the Names of each Vaccinator appointed by them, and that within Forty-eight Hours of the Appointment of such Vaccinator.

Parochial Boards, &c. to conform to Regulations made by Board of Supervision.

V. The Parochial Board of every Parish or Combination, and each Vaccinator, and any other Officers engaged in the Administration of the Laws for Relief of the Poor in any Parish or Combination, shall, in the Exercise of the Functions conferred upon them by this Act, conform to the Regulations which may from Time to Time be issued by the Board of Supervision in relation thereto, which Regulations the Board of Supervision is hereby authorized and required to make and issue.

Parochial Boards to defray Expense.

VI. The Parochial Board of every Parish or Combination shall defray the Expenses incurred by them in the Execution of this Act out of any Rates or Monies which may come into their Hands for the Relief of the Poor, including any Share that may be apportioned to any such Parish or Combination of the Grant voted or that may be voted by Parliament towards the Medical Treatment of the Poor, and shall include in the Assessment to be levied for Relief of the Poor in such Parish such Sum as may be considered necessary by them for carrying into execution the Purposes of this Act.

Medical Treatment

VII. Vaccination and any Medical or Surgical Treatment incidental

not to be considered Parochial Relief.

incidental to it shall not be considered Parochial Relief, Alms, or Charitable Allowance, and shall not affect the parochial Settlement of any Person so vaccinated or treated.

Parents or Guardians to cause Children to be vaccinated.

VIII. The Father of every Child born in *Scotland* after the First Day of *January* in the Year One thousand eight hundred and sixty-four, and in the event of the Death, Illness, or Inability of the Father, then the Mother, or in the event of the Death, Illness, Absence, or Inability of the Father and Mother, then the Person who shall have the Care, Nurture, or Custody of such Child, shall, within Six Months after the Birth of such Child, cause such Child to be vaccinated by a Medical Practitioner, and upon and immediately after the successful Vaccination of such Child the Medical Practitioner who shall have performed the Operation shall deliver to the Father or Mother of such Child, or to the Person who shall have the Care, Nurture, or Custody of such Child, a Certificate under his Hand, according to the Form of the Schedule (A.) hereto annexed, that such Child has been successfully vaccinated; and such Certificate shall, within Three Days after the Date thereof, be transmitted to and lodged with the Registrar for the District by the Father, Mother, or Person aforesaid, and such Certificate, if registered, shall, without further Proof, be admissible as Evidence of the successful Vaccination of such Child in any Information or Complaint which shall be brought against the Father, Mother, or Person aforesaid for Non-compliance with the Provisions of this Act.

If the Child be not in a fit State for Vaccination, the Medical Officer to deliver a Certificate to that Effect, to be in force for Two Months.

IX. If any Medical Practitioner shall be of opinion that any Child is not in a fit and proper State to be successfully vaccinated, he shall thereupon and immediately deliver to the Father or Mother of such Child, or the Person having the Care, Nurture, or Custody of such Child, a Certificate under his Hand, according to the Form of the Schedule (B.) hereto annexed, that the Child is in an unfit State for successful Vaccination, and such Certificate shall remain in force for Two Months from its Delivery as aforesaid; and the Father, Mother, or Person aforesaid shall, unless they shall within each succeeding Period of Two Months have obtained from a Medical Practitioner a Renewal of such Certificate, within Two Months next after the Delivery of the said Certificate as aforesaid, and if the said Child be not vaccinated at the Termination of such Period of Two Months, then during each succeeding Period of Two Months until such Child has been successfully vaccinated, cause such Child to be examined by a Medical Practitioner, and if he deem such Child to be then in a fit and proper State for Vaccination, he shall forthwith vaccinate him accordingly, and if the Operation be successful shall deliver to the Father or Mother of such

such Child, or Person aforesaid, a Certificate under his Hand, according to the Form of the said Schedule (A.), that such Child has been successfully vaccinated; but if the Medical Practitioner be of opinion that the Child is still in an unfit State for successful Vaccination, then he shall again deliver to the Father or Mother of such Child, or Person aforesaid, a Certificate under his Hand, according to the Form of the said Schedule (B.), that the Child is still in an unfit State for successful Vaccination; and the Medical Practitioner, so long as such Child remains in an unfit State for Vaccination and unvaccinated, shall at the Expiration of every succeeding Period of Two Months deliver, if required, to the Father or Mother of such Child, or Person aforesaid, a fresh Certificate under his Hand, according to the said Form; and the Production of such Certificate shall be a sufficient Defence against any Complaint which shall be brought against the Father or Mother, or Person aforesaid, for Non-compliance with the Provisions of this Act.

If Child is insusceptible of Vaccine Disease, Medical Practitioner to certify the same.

X. In the event of the Medical Practitioner being of opinion, after Three successive Vaccinations, that any Child is insusceptible of the Vaccine Disease, he shall deliver to the Father or Mother, or Person having the Care, Nurture, or Custody of such Child, a Certificate under his Hand, according to the Form of the Schedule (C.) hereto annexed, that the Child is insusceptible of Vaccine Disease.

Registrar of Births, &c. to deliver a printed Notice to Person registering the Birth of any Child.

XI. On the Registration of the Birth of any Child the Registrar shall deliver to the Person registering such Birth a printed Notice in the Form or as nearly as may be the Form of the Schedule (D.) hereto annexed, and setting forth such other Particulars in regard to the Provisions of this Act as in the Opinion of the Registrar General may be necessary or expedient, and such Notice shall have attached thereto in Duplicate the several Certificates (A.), (B.), and (C.) prescribed by this Act.

In Insular, Highland, and other Districts certain Provisions of this Act may be modified.

XII. In Insular, Highland, and other Districts, or Portions of such Districts, where, from the Difficulty of Travelling and other Causes, it may be considered inexpedient to enforce the Provisions of this Act, as expressed in the Eighth, Ninth, Tenth, and Eleventh Clauses hereof, it shall be competent to the Board of Supervision, upon Application by the Parochial Board, from Time to Time to frame such Modifications thereof as they may consider proper, and the same, when approved of by the Lord Advocate for the Time being, shall be held to supersede the Provisions in these Clauses so far as regards such Districts; and the Board of Supervision may, if applied to by the Parochial Board, in such Cases appoint a Medical Practitioner or Practitioners to travel throughout such Districts for the Purpose of vaccinating under the Provisions of this Act, and may fix

fix such reasonable Remuneration to be paid to the Medical Practitioners so appointed as they think proper, and may allocate among the Parishes or Combinations within such District such Proportion of the Expenses so fixed as the Board may think proper, and the Expenses so allocated shall be defrayed by such Parish or Combination in the same Way as the Expenses incurred by Parochial Boards in the Execution of this Act are herein directed to be paid: Provided, that in no Case shall the Remuneration to such Medical Practitioner exceed a Sum equal to Three Shillings and Sixpence for each Child vaccinated by him over and above an allowance for Travelling Expenses.

Stationery, Books, &c. to be provided.

XIII. Upon the Application of the Registrar General there shall be furnished to him from Time to Time from Her Majesty's Stationery Office all such Stationery, Books, Certificates, Schedules, Notices, and Forms as shall be necessary in the Execution of this Act; and the whole Expenses to be incurred by the Registrar General under the Provisions of this Act shall be defrayed in the same Manner as his Expenses are provided to be defrayed under the said recited Act Seventeenth and Eighteenth *Victoria*, Chapter Eighty.

Registrar General to frame Forms and Regulations.

XIV. The Registrar General, in carrying out the Provisions of this Act as regards Registration, is hereby empowered and directed to frame such Forms and Regulations as he may deem requisite for carrying this Act into full Effect; and not later than the First Day of *December* One thousand eight hundred and sixty-three he shall transmit the necessary Books, Certificates, Schedules, Notices, and Forms to the Registrars of each District in *Scotland*, who shall deliver to the Vaccinator and other Medical Practitioners within such District such of the same as they may require for the Performance of the Duties imposed upon them by this Act.

Registrar of Births, &c. to keep Vaccination Registers.

XV. The Registrar of Births, Deaths, and Marriages in every District shall enter in the Duplicate Register of Births kept and retained by him, in the Column in which the Name of each Child is written, the Word "Vaccinated" under the Name of every such Child whose Vaccination has been certified to him as herein provided, and the Word "Insusceptible" under the Name of every Child who has been certified, as herein provided, to be insusceptible of the Vaccine Disease, and shall initial each such Entry, and shall add thereto the Date of the Certificate of Vaccination or Insusceptibility, as the Case may be; and he shall also keep a Book in which he shall, in the Form or as nearly as may be in the Form of the Schedule (E.) hereto annexed, from Time to Time enter the Name of every Child whose Vaccination has been duly certified to him as necessarily postponed,

poned, and the Date of the Certificate, and the Period for which the Vaccination is postponed, and each Entry in the Register of postponed Vaccinations shall refer to the corresponding Entry in the Register of Births of the Birth of each such Child; and such Books shall be open for Search at all reasonable Times, and the Registrar shall be obliged to give a Copy, certified under his Hand, of each Entry therein, on Payment of a Fee of One Shilling for each Search, and Sixpence for each Certificate.

Fee to be paid to Registrar for each Person vaccinated.

XVI. A Fee of Threepence shall be paid to the Registrar for each Person vaccinated in respect of whom he shall have performed the Duties required in this Act, and the said Fee shall be payable in the same Manner as the Fee now payable to such Registrar for registering Births is paid; and the Sums required for the Execution of this Act in regard to Registration shall be laid on along with and form Part of the Assessment authorized by the Acts in force for the Registration of Births, Deaths, and Marriages in *Scotland*.

Penalty on Parent, &c., for not transmitting Certificate of Vaccination, &c. to Registrar.

XVII. In every Case where there is not transmitted to the Registrar a Certificate of the Vaccination of any Child born within his District, or of the Postponement of such Vaccination, or of the Insusceptibility of such Child to Vaccine Disease, all within the Periods and in the Manner respectively hereby prescribed, the Registrar of the District shall intimate such Failure to the Father or Mother, or Person having the Care, Nurture, or Custody of such Child, by a Notice transmitted through the Post Office; and if a Certificate, as herein provided, is not exhibited by such Father or Mother, or other Person, to the Registrar within Ten Days from the Despatch of such Notice, the Father or Mother, or Person aforesaid, so failing shall forfeit a Sum not exceeding Twenty Shillings, to be applied in the Manner in which Penalties are directed to be applied under this Act, and the further Sum of One Shilling to be paid to the Registrar in respect of such Notice; and said last-mentioned Sums may be recovered in the same Way as Penalties are herein directed to be recovered, and failing Payment of either of said Sums, such Father, Mother, or Person aforesaid shall be liable to be imprisoned in any of Her Majesty's Prisons for a Period not exceeding Ten Days.

Parochial Boards to issue Orders for Vaccination on receipt of List from Registrar.

XVIII. The Registrar of each District shall once in every Six Months transmit to the Inspector of the Poor of the Parish or Combination in which such District is situate a List of the Names and Addresses of such Persons as have failed to transmit or lodge a Certificate of Vaccination in Terms of this Act; and on the Receipt of such List the Inspector of the Poor shall lay the same before the Parochial Board of such Parish or Combination, and thereupon the Parochial Board shall issue an Order to

to the Vaccinator appointed by them to vaccinate the Persons named in such List; and Notice in Writing of such Order shall be given to such Persons, or, if Children, to their Father or Mother, or the Persons having Care of them; and in pursuance of such Order the Vaccinator shall vaccinate the Persons named therein, or any of them, at any Time not less that Ten nor more than Twenty Days after the Date of such Notice, unless such Persons shall previously have been vaccinated, and a Certificate of their Vaccination or Insusceptibility shall have been transmitted to the Registrar; and if any such Person or the Parent or Person having the Care of any such Child shall refuse to allow such Operation to be performed, he shall for every such Offence be liable to a Penalty not exceeding Twenty Shillings, and, failing Payment, to be imprisoned for any Period not exceeding Ten Days.

Return to be made of Number of Children vaccinated.

XIX. In the General Abstract of Births, Deaths, and Marriages registered during the Year which by the said recited Act Seventeenth and Eighteenth *Victoria*, Chapter Eighty, the Registrar General is required once in each Year to transmit to Her Majesty's Principal Secretary of State for the Home Department, he shall from and after the passing of this Act include a Return showing the Number of Children successfully vaccinated, the Number of Children whose Vaccination has been postponed, and the Number of Children certified to be insusceptible of Vaccine Disease, and such other Information as the said Secretary of State may from Time to Time require.

Registrars to be subject to Control of Registrar General.

XX. In all matters relating to the Execution of this Act the respective Registrars shall be subject to the Supervision and Control of the Registrar General and the Inspectors under him, in the same Way and Manner as such Registrars are subject to Supervision and Control under the Acts in force relating to the Registration of Births, Deaths, and Marriages in *Scotland;* and the Registrar General and Inspectors are hereby empowered and required to exercise such Supervision and Control; and whenever it appears to them that the Provisions of this Act are not being carried fully into effect by any Parochial Board or the Officers appointed by them, the Registrar General shall call the Attention of the Board of Supervision thereto with a view to their providing the requisite Remedy.

Vaccinators to keep a Book of Persons Vaccinated.

XXI. The Medical Practitioners appointed as Vaccinators in each Parish or Combination shall keep a Book in which they shall enter from Time to Time the Number of Persons successfully vaccinated by them, those Cases in which Vaccination has been postponed, and those which have been certified to be insusceptible; and they shall yearly, or at such other Times as the Board of Supervision may direct, make a Return to the Board embracing these and such other Particulars as the Board of

of Supervision may require; and such Books and Returns shall at all Times be open to Inspection, free of Charge, by the Registrar General, Inspectors, or Registrars, and Officers of the Parochial Board of the Parish or Combination to which they relate.

No Certificate to be received as Evidence unless recorded.

XXII. No Certificate granted under the Provisions of this Act shall be received as Evidence in any Information or Complaint which shall be brought against the Father or Mother or other Person having the Care, Nurture, or Custody of the Child named in said Certificate, unless the same has been duly recorded by the Registrar of the District within which such Child was born in manner herein-before provided.

Vaccinator to transmit to Registrars the Particulars of Certificate.

XXIII. In every Case where, under the Provisions of this Act, the Vaccinator is required to grant a Certificate of Vaccination, or of Postponement of Vaccination, or of Insusceptibility to Vaccine Disease, and grants the same, he shall be bound, and he is hereby required, to transmit to the Registrar of the District within which the Child referred to in such Certificate was born the Particulars contained in such Certificate, in the Form, or as nearly as may be in the Form, of the Schedule (F.) hereto annexed, and that within Forty-eight Hours from the Date of such Certificate, under the Penalty of Twenty Shillings for each Omission.

Penalty on Persons inoculating so as to produce Disease.

XXIV. Any Person who shall produce or attempt to produce in any Person, by Inoculation with Variolous Matter, or by wilful Exposure to Variolous Matter, or to any Matter, Article, or Thing impregnated with Variolous Matter, or wilfully by any other Means whatever produce the Disease of Small-pox in *Scotland*, shall forfeit a Sum of Five Pounds, which shall be recoverable and shall be applied in the same Manner as Penalties are directed to be recovered and applied under the Provisions of this Act.

Recovery of Penalties.

XXV. All Penalties imposed by this Act may be recovered by summary Proceeding, upon Complaint in Writing made by the Inspector of Poor of the Parish or Combination within which respectively the Offence shall have been committed to the Sheriff of the County in which the Offence shall have been committed, or to the Sheriff of the County in which the Offender may be found; and on such Complaint being made such Sheriff shall issue a Warrant for bringing the Party complained against before him, or shall issue an Order requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Order; and such Warrant or Order may contain a Warrant to cite Witnesses for both Parties; and such Warrant or Order shall be effectual in any Part of *Scotland* on being endorsed by the Sheriff of any County in which it is to be executed, if other than the County wherein it has been granted,

granted, and which Endorsation such Sheriff is hereby authorized to give, and such Warrant shall be a sufficient Authority to any Messenger-at-Arms or Sheriff Officer to apprehend and detain the Offender in Custody till he can be brought before the Sheriff; and any such order shall be served by a Messenger-at-Arms or Sheriff's Officer on the Party offending, either in Person or by leaving with some Inmate at his usual Place of Abode a Copy of such Order and of the Complaint whereupon the same has proceeded; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for the Sheriff to proceed to the hearing of the Complaint, and upon Proof of the Offence, either by the Confession of the Party complained against or other legal Evidence, and without any written Pleadings or Record of Evidence, to convict the Offender, and upon such Conviction to decern and adjudge the Offender to pay the Penalty incurred, as well as such Expenses as the Sheriff shall think fit, and to grant Warrant for imprisoning the Offender until such Penalty and Expenses shall be paid: Provided always, that such Warrant shall specify the Amount of such Penalty and Expenses, and shall also specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Penalty or Expenses shall not have been paid, and shall in no Case exceed Two Months: Provided also, that it shall be lawful for the Sheriff, if he shall see good Cause so to do, to adjourn the Proceedings for such Time as he may consider proper for the Ends of Justice; and in such Cases the Sheriff shall have Power to allow the Party complained of to go at Liberty, on finding proper Bail, to be fixed by him, to appear at any such adjourned Diet of the Proceedings.

When Proceedings for enforcing Penalties may be raised.

XXVI. It shall be competent to raise such Proceedings for enforcing any Penalties incurred in contravention of this Act at any Time during which the Person against whom such Proceedings are taken is in default; and the Sheriff by whom any Penalty shall be found due, by virtue of this Act, shall award such Penalty to the Funds for the Support of the Poor of the Parish or Combination in which the Offence shall have been committed, and shall order the same to be paid over to the Inspector of Poor or other Officer of the Parochial Board for that Purpose.

Board of Supervision to compel Performance of Acts and Duties by Parochial Board.

XXVII. Wherever the Parochial Board of any Parish or Combination shall fail to do or perform any of the Acts or Duties hereby required of them, it shall be lawful to the Board of Supervision, without Prejudice to any Right competent to such Board of Supervision to compel Performance thereof, to do or perform the same, and the Acts or Duties so done and performed by the Board of Supervision shall be as valid and effectual as if done or performed by the Parochial Board failing

as

as aforesaid; and the Board of Supervision shall have the same Powers for directing and enforcing the Execution of this Act by Parochial Boards as they now or may hereafter have in relation to any Matter concerning the Administration of the Laws for the Relief of the Poor.

Where no Parochial Board exists, Heritors to act.

XXVIII. Wherever under the Provisions of this Act the Parochial Board of a Parish is required to do or perform any Acts or Duties, and no Parochial Board exists within such Parish, the Heritors, as defined in the Seventeenth and Eighteenth *Victoria*, Chapter Eighty, except as after provided, shall do or perform such Act or Duty in the same Manner as is provided with respect to Heritors, in the like Cases, in the said recited Act, and in the Eighteenth *Victoria*, Chapter Twenty-nine: Provided always, that when any such Parish, or Portion thereof, is situate within Burgh, the Town Council shall have the same Powers with reference to the Execution of this Act, in so far as Registration is concerned, as are conferred by the Acts in force for the Registration of Births, Marriages, and Deaths.

Disputes to be determined by Sheriff.

XXIX. Any Dispute or Difference which may arise in regard to the Allocation of the Expenses attendant upon the Execution of this Act, between Parishes or otherwise, shall be determined by the Sheriff of the County in which such Parishes are situate, or if in different Counties, then by the Sheriff of the County in which the Parish or Portion of a Parish so disputing possessed of the largest Rental is situated, such Rental being ascertained by the Valuation Roll in force at the Time.

Interpretation of Terms.

XXX. The following Words and Expressions in this Act shall have the several meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "Registrar General" shall mean the Registrar General of Births, Deaths, and Marriages in *Scotland* for the Time being, appointed and acting under the Seventeenth and Eighteenth *Victoria*, Chapter Eighty. The Word "Sheriff" shall mean the Sheriff of the County in which he is Sheriff, and shall include Sheriff Substitutes:

The Expression "Board of Supervision" shall mean the Board of Supervision for Relief of the Poor in *Scotland:*

The Expression "Medical Practitioner" shall mean any Person registered as a Practitioner in Medicine or Surgery pursuant to the Act Twenty-first and Twenty-second *Victoria*, Chapter Ninety, and shall include the Vaccinator:

The Expression "Vaccinator" shall mean the Medical Practitioner appointed by any Parish or Combination to act as such in such Parish or Combination:

The Expression "the District" shall mean and include the Registration

Registration District at the Time existing, erected under and in virtue of an Act passed in the Seventeenth and Eighteenth Year of the Reign of Her Majesty Queen *Victoria*, Chapter Eighty, intituled *An Act to provide for the better Registration of Births, Deaths, and Marriages in* Scotland, and of another Act passed in the Eighteenth Year of the Reign of Her Majesty, Chapter Twenty-nine, intituled *An Act to make further Provision for the Registration of Births and Marriages in* Scotland.

SCHEDULES referred to by this Act.

SCHEDULE (A.)

I, the undersigned, hereby certify, That the Child of aged of the Parish of in the County of has been successfully vaccinated by me.
Dated this Day of 186 .
(Signed) *A.B.*,
Surgeon of the Parish *or* Combination *(or other Medical Practitioner, as the Case may be)*.

SCHEDULE (B.)

I, the undersigned, hereby certify, That I am of opinion that the Child of of the Parish of in the County of aged is not now in a fit and proper State to be successfully vaccinated, and I do hereby postpone the Vaccination until the Day of .
Dated this Day of 186 .
(Signed) *A.B.*,
Surgeon of the Parish *or* Combination *(or other Medical Practitioner, as the Case may be)*.

SCHEDULE (C.)

I, the undersigned, hereby certify, That I am of opinion that the Child of of the Parish of in the County of is insusceptible of the Vaccine Disease.
Dated this Day of 186 .
(Signed) *A.B.*,
Surgeon of the Parish *or* Combination of *(or other Medical Practitioner, as the Case may be)*.

SCHE-

SCHEDULE (D.)

To the Parent or Guardian of (*insert Name of Child whose Birth is registered*).

Take Notice, that this Child must be vaccinated, under the Provisions of and Victoria, Chapter , within Months from the Date of his (*or* her) Birth, under a Penalty of £ .

(Signed) *A.B.*, Registrar.

SCHEDULE (E.)

Register of postponed Vaccinations for the District of in the Parish of .

No.	——	Birth Register in which recorded.		Period to which Vaccination postponed.	Date of Certificate.	Signature of Registrar.
		Year.	No. of Entry.			
1	Mary Nixon	1864	12	Postponed to 10th March 1864.	12th January 1864	J. Smith, Registrar.
2	Thomas Dickson	1864	14	Postponed to 4th February 1864.	4th January 1864	J. Smith, Registrar.
3						

SCHEDULE (F.)

Schedule of Particulars to be transmitted by Vaccinator to Registrar.

Full Name of Child.	Sex.	Parent's Name.	Parish of Birth of Child.	Nature of Certificate granted in each Case.	Date to which postponed.	Date of Certificate.
John Smith	Male	James Smith	Dalkeith	Successfully vaccinated	...	4 January 1864.
Mary Jones	Female	John Jones	Dalkeith	Postponed	20 May 1864	5 January 1864.
James Irvine	Male	John Irvine	Dalkeith	Insusceptible	...	5 January 1864.

I, Vaccinator for the Parish of , in the County of , hereby certify that I have granted Certificates under the Vict. Cap. , containing the Particulars specified in this Schedule, and of the Dates respectively herein stated.

(Signed) ,
Vaccinator for the Parish of .

CAP. CIX.

An Act for remedying certain Defects in the Law relating to the Removal of Prisoners in Scotland.—[28*th* July 1863.]

WHEREAS it is expedient to amend the Law for the Removal of Prisoners in *Scotland:* Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

As to Punishment of Prisoners for Misconduct during Removal from one Prison to another.

I. When any Prisoner shall hereafter be received into a Prison by Removal from another Prison, it shall be lawful, under the Rules in force in the Prison into which he is so received, to punish him for any Misconduct which he may have committed in the Course of such Removal, or within the Period of Twenty-four Hours before the Commencement of the same, as if such Misconduct had been committed by him within the Prison into which he is so received.

Sentences of Penal Servitude, &c. to be carried into effect by Removal of Offender from the Bar to the chief Local Prison.

2. When by any Sentence of a Circuit Court of Justiciary in *Scotland* an Offender is sentenced to Penal Servitude, or to Imprisonment for a Period of Nine Months or upwards, such Sentence shall be deemed to be, and is hereby declared to be, a Sentence which shall be carried into effect by the Removal of such Offender from the Bar to the chief Local Prison situated in the Town in which such Circuit Court of Justiciary is then sitting, and by his Detention in such Prison until he is removed therefrom in due Course of Law, unless such Sentence shall contain a Clause that such Offender shall not be detained in such Prison, or shall only be detained therein for a Length of Time specified in the Sentence.

CAP. CX.

An Act to amend the Lunacy Acts in relation to the building of Asylums for Pauper Lunatics.—[28*th* July 1863.] (England.)

CAP. CXI.

An Act to amend The Naval Medical Supplemental Fund Society Winding-up Act, 1861.—[28*th* July 1863.]

CAP. CXII.

An Act to regulate the Exercise of Powers under Special Acts for the Construction and Maintenance of Telegraphs.—[28*th* July 1863.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

I. This Act may be cited as The Telegraph Act, 1863. Short Title.

II. This Act shall apply—

(1.) To every Company to be hereafter authorized by Special Act of Parliament to construct and maintain Telegraphs: Application of this Act to all future Telegraph Companies,

(2.) To every Company so authorized before the passing of this Act by any such Special Act, notwithstanding anything in any such Special Act contained,—but so that, except as herein-after expressly provided, nothing in this Act shall give to any Owner, Lessee, or Occupier of Land, or other Person, or to any Body, as against any such Company as last aforesaid, in respect of anything lawfully done before the passing of this Act by such Company under any such Special Act, any further or other Right, Power, Jurisdiction Authority, or Remedy, than he or they would have had if this Act had not been passed: Provided also, that nothing in this Act shall interfere with the Maintenance or Repair, under any such Special Act, of any Work lawfully constructed before the passing of and also, subject to certain Exceptions, to all existing Telegraph Companies.

of this Act by any such Company under any such Special Act, or with the increasing of the Number of the Wires forming Part of any such Work; and that nothing in this Act shall relieve any such Company from any Obligation or Liability under any Agreement made before the passing of this Act, or shall make lawful any Work constructed by the Company before the passing of this Act which is the Subject of any Proceedings at Law or in Equity pending at the passing of this Act, or which has been constructed without such Consent as was required for the Construction thereof before the passing of this Act.

Interpretation of Terms.

III. In this Act—

The Term "the Company" means any Company to be hereafter authorized as aforesaid (herein-after distinguished by the Term "future Company"), or any Company already so authorized (herein-after distinguished by the Term "existing Company"):

The Term "Telegraph" means a Wire or Wires used for the Purpose of Telegraphic Communication, with any Casing, Coating, Tube, or Pipe inclosing the same, and any Apparatus connected therewith for the Purpose of Telegraphic Communication:

The Term "Post" means a Post, Pole, Standard, Stay, Strut, or other aboveground Contrivance for carrying, suspending, or supporting a Telegraph:

The Term "Work" includes Telegraphs and Posts:

The Term "Street" means a public Way situate within a City, Town, or Village, or between Lands continuously built upon on either Side, and repaired at the public Expense, or at the Expense of any Turnpike or other public Trust, or *ratione tenuræ*, including the Footpaths of such Way, and any Bridge forming Part thereof:

The term "public Road" means a public Highway for Carriages being repaired at the public Expense, or at the Expense of any Turnpike or other public Trust, or *ratione tenuræ*, and not being a Street, including the Footpaths of such public Highway, and any Bridge forming Part thereof, and also any Land by the Side and forming Part of such a public Highway, but not including a Railway or Canal:

The Term "Railway" includes any Station, Work, or Building connected with a Railway:

The Term "Canal" includes Navigation or navigable River, and any Dock, Basin, Towing-path, Wharf, Work, or Building connected with a Canal:

The

The Term "Land" means Land not being a Street or public Road, and not being Land by the Side and forming Part of a public Road, and includes Land laid out for and proposed by the Owner to be converted into a Street or public Road:

The Term "Body" includes a Body of Trustees or Commissioners, Municipal Corporation, Grand Jury, Board, Vestry, Company, or Society, whether incorporated or not; and any Provision referring to a Body applies to a Person, as the Case may require:

The Term "Person" includes Corporation Aggregate or Sole:

The Term "the Board of Trade" means the Lords of the Committee of Her Majesty's Privy Council for the Time being appointed for the Consideration of Matters relating to Trade and Foreign Plantations:

The Term "Justice" means Justice of the Peace acting for the Place where the Matter requiring the Cognizance of any such Justice arises:

The Term "Two Justices" means Two or more Justices met and acting together, or any One Police Magistrate or Justice having by Law Authority to act alone for any Purpose with the Powers of Two Justices:

The Term "Sheriff" means the Sheriff Depute of the County or Ward of a County in *Scotland*, and the Steward Depute of the Stewartry in *Scotland*, in which the Matter submitted to the Cognizance of the Sheriff arises, and includes the Substitutes of such Sheriff Depute and Steward Depute respectively.

Recovery of Damages, Costs, Expenses, and Penalties.

IV. The Provisions of The Railways Clauses Consolidation Act, 1845, with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices, and the Provisions of The Railways Clauses Consolidation (*Scotland*) Act, 1845, with respect to the Recovery of Damages not specially provided for, and to the Determination of any other Matter referred to the Sheriff, or to Justices, shall, so far as the same are applicable, and save so far as the same are inconsistent with any express Provision of this Act, be incorporated with this Act; and Terms used in those Provisions shall be interpreted as the same Terms are directed to be interpreted in this Act.

Provisions as to Notices and Consents.

V. The following Provisions shall apply to Notices and Consents under this Act:

(1.) Every Notice or Consent shall be in Writing or Print, or partly in Writing and partly in Print:

(2.) Any Notice to or by the Company or a Body having the

the Control of a Street or public Road, or of the Sewerage or Drainage thereunder, may be given to or by the Secretary, Clerk, or Surveyor, or other like Officer (if any) of the Company or of such Body, as the Case may be:

(3.) Any Consent may be given on such pecuniary or other Terms or Conditions (being in themselves lawful), or subject to such Stipulations as to the Time or Mode of Execution of any Work, or as to the Removal or Alteration, in any Event, of any Work, or as to any other thing connected with or relative to any Work, as the Person or Body giving Consent thinks fit.

General Powers of Company.

General Description of Works which a Telegraph Company may execute, subject to the Restrictions of this Act.

VI. Subject to the Restrictions and Provisions herein-after contained, the Company may execute Works as follows:

(1.) They may place and maintain a Telegraph under any Street or public Road, and may alter or remove the same:

(2.) They may place and maintain a Telegraph over, along, or across any Street or public Road, and place and maintain Posts in or upon any Street or public Road, and may alter or remove the same:

(3.) They may, for the Purposes aforesaid, open or break up any Street or public Road, and alter the Position thereunder of any Pipe (not being a Main) for the Supply of Water or Gas:

(4.) They may place and maintain a Telegraph and Posts under, in, upon, over, along, or across any Land or Building, or any Railway or Canal, or any Estuary or Branch of the Sea, or the Shore or Bed of any Tidal Water, and may alter or remove the same:

Provided always, that the Company shall not be deemed to acquire any Right other than that of User only in the Soil of any Street or public Road under, in, upon, over, along, or across which they place any Work.

Provision as to Compensation.

VII. In the Exercise of the Powers given by the last foregoing Section the Company shall do as little Damage as may be, and shall make full Compensation to all Bodies and Persons interested for all Damage sustained by them by reason or in consequence of the Exercise of such Powers, the Amount and Application of such Compensation to be determined in manner provided by The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation (*Scotland*) Act, 1845, respectively, and any Act amending those Acts, for the Determination

Determination of the Amount and Application of Compensation for Lands taken or injuriously affected.

VIII. In the Exercise of the aforesaid Powers, the Company shall also be subject to the following Restrictions: Provision as to Gas and Water Pipes.

(1.) They shall cause as little Detriment or Inconvenience as Circumstances admit to the Body or Person to or by whom any Pipe for the Supply of Water or Gas belongs or is used:

(2.) Before they alter the Position of any such Pipe they shall give to the Body to whom the same belongs Notice of their Intention to do so, specifying the Time at which they will begin to do so, such Notice to be given Twenty-four Hours at least before the Commencement of the Work for effecting such Alteration:

(3.) The Company shall not execute such Work except under the Superintendence of the Body to whom such Pipe belongs, unless such Body refuses or neglects to give such Superintendence at the Time specified in the Notice for the Commencement of the Work, or discontinues the same during the Work; and the Company shall execute such Work to the reasonable Satisfaction of such Body:

(4.) The Company shall pay all reasonable Expenses to which such Body may be put on account of such Superintendence:

And the Body to whom any such Pipe belongs may, when and as Occasion requires, alter the Position of any Work of the Company already constructed, or to be hereafter constructed, under, in, or upon a Street or public Road, on the same Conditions as are by the last foregoing and present Sections imposed on the Company in relation to such a Body, *mutatis mutandis*.

Restrictions as to Telegraphs under Streets and public Roads.

Not to place Telegraphs under Streets in Metropolis and large Towns without Consent of Bodies having Control of the Streets.

IX. The Company shall not place a Telegraph under any Street within the Limits of the District over which the Authority of the Metropolitan Board of Works extends, or of any City or Municipal Borough or Town Corporate, or of any Town having a Population of Thirty thousand Inhabitants or upwards (according to the latest Census), except with the Consent of the Bodies having the Control of the Streets within such respective Limits.

Depth, Course, &c. of under-

X. Where the Company has obtained Consent to the placing, or by virtue of the Powers of the Company under this Act intends to proceed with the placing, of a Telegraph under a

ground Works to be agreed on between Street or Road Authority and Company, or else to be determined by Justices or Sheriff.

a Street or public Road, the Depth, Course, and Position at and in which the same is to be placed shall be settled between the Company and the following Bodies:

The Body having the Control of the Street or public Road:

The Body having the Control of the Sewerage or Drainage thereunder:

But if such Settlement is not come to with any such Body, the following Provisions shall take effect:—

(1.) The Company may give to such Body a Notice specifying the Depth, Course, and Position which the Company desires:

(2.) If the Body to whom such Notice is given does not, within Twenty-eight Days after the giving of such Notice, give to the Company a Counter-Notice, objecting to the Proposal of the Company, and specifying the Depth, Course, and Position which such Body desires, they shall be deemed to have agreed to the Proposal of the Company:

(3.) In the event of ultimate Difference between the Company and such Body, the Depth, Course, and Position shall be determined in *England* or *Ireland* by Two Justices, and in *Scotland* by Two Justices or the Sheriff.

Underground Tubes to have distinguishing Mark.

XI. Every underground Tube or Pipe of the Company shall be so marked as to distinguish it from Tubes or Pipes of every other Company.

Company not to place a Telegraph along a Street or Road without Consent of Body having Control of Street, &c.

XII. The Company shall not place a Telegraph over, along, or across a Street or public Road, or a Post in or upon a Street or public Road, except with the Consent of the Body having the Control of such Street or public Road; and where a public Road passes through or by the Side of any Park or Pleasure Grounds, and where a public Road crosses, by means of a Bridge or Viaduct, or abuts on any ornamental Water belonging to any Park or Pleasure Grounds, and where a public Road crosses or abuts on a private Drive through any Park or Pleasure Grounds, or to any Mansion, the Company shall not, without, or otherwise than in accordance with, the Consent of the Owner, Lessee, and Occupier of such Park, Pleasure Grounds, or Mansion, place any Work above Ground on such public Road.

As to where a public Road passes through Parks, Pleasure Grounds, &c.

Where Landowner, &c. is

XIII. Where any Landowner or other Person is liable for the Repair of any Street or public Road (notwithstanding that the same is dedicated to the Public), the Company shall not place any Work under, in, upon, over, along, or across such Street or public Road, except with the Consent of such Landowner

owner or other Person, in addition to the Consent of the Body having the Control of such Street or public Road, where under this Act such last-mentioned Consent is required: Provided, that where the Company places a Telegraph across or over any Street or public Road they shall not place it so low as to stop, hinder, or interfere with the Passage for any Purpose whatsoever along the Street or public Road.

liable to Repair of Street, &c. Company not to place Works in such Street, &c. without Consent.

Proviso.

Removal of Works affecting Streets and public Roads.

XIV. In the following Cases—

(1.) If any Part of the Company's Works is abandoned, or suffered to fall into Decay;

(2.) If the Company is dissolved, or ceases for Six Months to carry on Business,

the Body having the Control of any Street or public Road, or the Owner of any Land or Building affected (in the former Case) by such Part of the Company's Works as aforesaid, or (in the latter Case) by any of the Company's Works, may give Notice to the Company, or leave a Notice at the last known Office or Place of Business of the Company, to the Effect that if such Works as are specified in the Notice are not removed within One Month after the Notice given or left, the same will be removed by the Body having such Control, or by such Owner; and in every such Case, unless such Works are removed accordingly, the Body having such Control or such Owner may, without Prejudice to any Remedy against the Company, remove such Works, or any Part thereof, and sell the Materials thereof or of any Part thereof, and, out of the Proceeds of such Sale, reimburse themselves their Expenses relative to such Notice, Removal, and Sale, and consequent thereon (rendering the Overplus, if any, to the Company), and may recover any unpaid Residue of such Expenses from the Company. The present Section shall apply to an existing Company, in respect of any Work already constructed or to be hereafter constructed, as well as to a future Company.

In case of Abandonment of Works, &c., Street or Road Authority or Owner of Land may remove them.

XV. In case the Body having the Control of any Street or public Road at any Time hereafter resolves to alter the Line or Level of any Portion of such Street or Road under, in, upon, over, along, or across which any Work of the Company constructed either before or after the passing of this Act is placed, the Company shall from Time to Time be bound, on receiving One Month's Notice of such intended Alteration, and at their own Expense, to remove such Work, and to replace

In event of Alteration of Street or Road, Company to remove and replace the Works under or over the same.

replace the same in such Position and Manner in all respects as may be required by such Body, or, in the event of Difference between such Body and the Company, in such Position and Manner in all respects as may be determined in *England* or *Ireland* by Two Justices, and in *Scotland* by Two Justices or the Sheriff.

Removal of dangerous Posts placed before passing of this Act.

XVI. Where the Company has, before the passing of this Act, placed Posts in or upon a Street or public Road, and the Body having the Control of the Street or Road considers the Position of any such Post to be dangerous or inconvenient, the following Provisions shall take effect:

(1.) Such Body may give to the Company a Notice requiring them to remove or alter the Position of such Post, and specifying the Grounds of such Requisition:

(2.) The Company either shall, within Fourteen Days after Receipt of such Notice, remove or alter the Position of the Post in accordance with the Notice; or else, if they do not intend to remove or alter the Position of the Post in accordance with the Notice, shall, within One Week after Receipt of the Notice, deliver to such Body a Counter-Notice, specifying their Objection to such Removal or Alteration:

(3.) Such Body may send Copies of the Notice and Counter-Notice to the Board of Trade:

(4.) As soon as may be after Receipt of such Copies, the Board of Trade shall (unless the Difference between the Body giving the Notice and the Company is arranged) make Inquiry and Examination, and hear and determine the Matter of the Notice and Counter-Notice:

(5.) On hearing any such Matter, the Board of Trade may direct that the Company shall comply with the Notice, wholly or in part, or subject to any such Modifications as the Board of Trade prescribes, or on condition that the Body giving the Notice shall afford to the Company all reasonable and Proper Facilities in their Power for substituting some other Work for that to which the Notice relates, or on any such other Condition as to the Board of Trade seems, according to the Circumstances of the Case, just and expedient, and the Expenses incurred in or about such Removal or Alteration shall be borne and paid by the Company or by the Body giving the Notice, or partly by one and partly by the other, as

to

to the Board of Trade seems, according to the Circumstances of the Case, just and expedient, the Amount of such Expenses to be determined in case of Difference by the Board of Trade.

Restrictions as to the opening of Streets and public Roads.

Streets and public Roads to be opened only after Notice and under Superintendence.

XVII. Subject to any Special Stipulations made with a Company by the Body having the Control of a Street or public Road, and to any Determinations, Orders, or Directions of the Justices, or Sheriff as aforesaid, where the Company proceeds to open or break up a Street or public Road, the following Provisions shall take effect:—

(1.) The Company shall give to the Bodies between whom respectively and the Company the Depth, Course, and Position of a Telegraph under such Street or public Road are herein-before required to be settled or determined, Notice of their Intention to open or break up such Street or public Road, specifying the Time at which they will begin to do so,—such Notice to be given, in the Case of an underground Work, Ten Days at least, and in the Case of an above-ground Work Five Days at least, before the Commencement of the Work; except in case of Emergency, in which Case Notice of the Work proposed shall be given as soon as may be after the Commencement thereof:

(2.) The Company shall not (save in case of Emergency) open or break up any Street or public Road, except under the Superintendence of the Bodies to whom respectively Notice is by the present Section required to be given, unless such Bodies respectively refuse or neglect to give such Superintendence at the Time specified in the Notice for the Commencement of the Work, or discontinue the same during the Work:

(3.) The Company shall pay all reasonable Expenses to which such Bodies respectively may be put on account of such Superintendence.

Streets and public Roads to be restored and kept in repair for Six Months.

XVIII. Subject to any such special Stipulations as aforesaid, after the Company has opened or broken up a Street or public Road they shall be under the following further Obligations:—

(1.) They shall, with all convenient Speed, complete the Work on account of which they opened or broke up the same, and fill in the Ground, and make good the

the Surface, and generally restore the Street or public Road to as good a Condition as that in which it was before being opened or broken up, and carry away all Rubbish occasioned thereby:

(2.) They shall in the meantime cause the Place where the Street or public Road is opened or broken up to be fenced and watched, and to be properly lighted at Night:

(3.) They shall pay all reasonable Expenses of keeping the Street or public Road in good Repair for Six Months after the same is restored, so far as such Expenses may be increased by such opening or breaking up:

Penalty. If the Company fails to comply in any respect with the Provisions of the present Section, they shall for every such Offence (without Prejudice to the Right of any Person to enforce specific Performance of the Requirements of this Act, or to any other Remedy against them,) be liable to a Penalty not exceeding Twenty Pounds, and to a further Penalty not exceeding Five Pounds for each Day during which any such Failure continues after the First Day when such Penalty was adjudged; and any such Penalty shall (notwithstanding anything herein-before, or in any Act relating to Municipal Corporations, or to the Metropolitan Police Force, or in any other Act, contained) go and belong to the Body having the Control of the Street or public Road, and shall form Part of the Funds applicable by them to the Maintenance of the Street or public Road.

Power to Street or Road Authorities to execute Works and charge the Expenses to the Company.

XIX. Whenever the permanent Surface or Soil of any Street or public Road is broken up or opened by the Company, it shall be lawful for the Body having the Control of the Street or Road, in case they think it expedient so to do, to fill in the Ground, and to make good the Pavement or Surface or Soil so broken up or opened, and to carry away the Rubbish occasioned thereby, instead of permitting such Work to be done by the Company; and the Costs and Expenses of filling in such Ground, and of making good the Pavement or Soil so broken up or opened, shall be repaid on Demand to the Body having the Control of the Street or Road by the Company, and in default thereof may be recovered by the Body having the Control of the Street or Road from the Company as a Penalty is or may be recoverable from the Company.

Restrictions on Impediments to Traffic.

XX. The Company shall not stop or impede Traffic in any Street or public Road, or into or out of any Street or public Road, further than is necessary for the proper Execution of their Works. They shall not close against Traffic more than One

One Third in Width of any Street or public Road, or of any Way opening into any Street or public Road, at One Time; and in case Two Thirds of such Street or Road are not wide enough to allow Two Carriages to pass each other, they shall not occupy with their Works at One Time more than Fifty Yards in Length of the One Third thereof, except with the special Consent of the Body having the Control thereof.

Restrictions as to Works affecting private or Crown Property.

As to Works affecting Crown Property.

XXI. The Company shall not place any Work by the Side of any Land or Building, so as to stop, hinder, or interfere with Ingress or Egress for any Purpose to or from the same, or place any Work under, in, upon, over, along, or across any Land or Building, except with the previous Consent in every Case of the Owner, Lessee, and Occupier of such Land or Building, which Consent, in case of any Land or Building belonging to or enjoyed by the Queen's most Excellent Majesty in right of Her Crown, may be given by the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty: Provided always, that with respect to Lands and Buildings situate within the Limits of the District over which the Authority of the Metropolitan Board of Works extends (herein-after referred to as the Metropolis), or within the Limits of any City or Municipal Borough or Town Corporate, or any Town having a Population of Thirty thousand Inhabitants or upwards, according to the latest Census (herein-after referred to as a City or large Town), if the Body having the Control of any Street in the Metropolis or a City or large Town, consents to the placing of Works by the Company in, upon, over, along, or across that Street, then and in every such Case that Consent shall (unless it is otherwise provided by the Terms thereof), be sufficient Authority for the Company, without any further Consent, except as to any Land or Building belonging to or enjoyed by Her Majesty in right of Her Crown, to place and maintain a Telegraph over, along, or across any Building adjoining to or near the Street, and situate within the Limits of the District over which the Powers of the consenting Body extend, or over, along, or across any Land, not being laid out as Building Land, or not being a Garden or Pleasure Ground, adjoining to or near the Street and situate within the same Limits, subject nevertheless to the following Provisions:—

(1.) Twenty-one Days at least before the Company proceeds to

to place a Telegraph by virtue of the Authority so conferred, they shall publish a Notice stating they have obtained the Consent of such Body as aforesaid, and describing the intended Course of such Telegraph:

(2.) Where the Company by virtue of the Authority so conferred places a Telegraph directly over any Dwelling House, they shall not place it at a less Height above the Roof thereof than Six Feet, if the Owner, Lessee, or Occupier thereof objects to their placing it at a less Height:

(3.) If at any Time the Owner, Lessee, or Occupier of any Building or Land adjoining to a Building, directly over which Building or Land the Company by virtue of the Authority so conferred places a Telegraph, desires to raise the Building to a greater Height, or to extend it over such Land, the Company shall increase the Height or otherwise alter the Position of the Telegraph, so that the same may not interfere with the raising or Extension of the Building, within Fourteen Days after receiving from the Owner, Lessee, or Occupier a Notice of his Intention to raise or extend the Building, or in case of Difference between the Company and the Owner, Lessee, or Occupier as to his Intention, then within Fourteen Days after receiving a Certificate, signed by a Justice of the Peace, certifying that he is satisfied of the Intention of the Owner, Lessee, or Occupier to raise or extend the Building:

(4.) The Company shall make full Compensation to the Owner, Lessee, and Occupier of any Land or Building over, along, or across which the Company by virtue of the Authority so conferred places a Telegraph, and which may be shown to be in any respect prejudicially affected thereby, the Amount of such Compensation to be determined in manner provided by the said Lands Clauses Consolidation Acts respectively and any Act amending those Acts for the Determination of the Amount of Compensation with respect to Lands injuriously affected:

Provided also, that the Consent of any Person occupying as a Tenant from Year to Year only shall not be required, nor shall any Person so occupying be entitled to such Compensation as aforesaid.

Company not to

XXII. Subject and without Prejudice to the foregoing Provisions, the Company shall not place a Telegraph above Ground,

Ground, or a Post, within Ten Yards of a Dwelling House, or place a Telegraph above Ground across an Avenue or Approach to a Dwelling House, except subject and according to the following Restrictions and Provisions:— Telegraphs above Ground, and Posts, within certain Distance of Dwelling Houses, without Consent of Occupier, &c.

(1.) They shall in each such Case obtain the Consent of the Occupier (if any) of such Dwelling House, and if there is no Occupier, then of the Lessee entitled to Possession, and if there is none, then of the Owner:

(2.) The Consent of an Occupier shall be effective only during the Continuance of his Occupation:

(3.) On the Termination of the Occupation of any Occupier the Lessee or Owner entitled to Possession, if he did not consent to the placing of the Telegraph or Post, may give Notice to the Company that he requires it to be removed:

(4.) The Company shall remove the same accordingly within One Month after receiving such Notice:

(5.) If any Question arises between a Lessee or Owner and the Company as to such Removal, or the Time or Mode thereof, the same shall be referred to the Determination in *England* or *Ireland* of Two Justices, and in *Scotland* of Two Justices or the Sheriff, which Justices or Sheriff may give such Directions as to such Removal, and the Time and Mode thereof, as may seem reasonable, and may impose on the Company for not carrying such Directions into effect such Penalty not exceeding Five Pounds a Day as may seem just.

Notices to be published, and left at Dwelling Houses, of intended Telegraph along Street or public Road, after Consent of Street or Road Authority obtained.

XXIII. Before the Company proceeds to place a Telegraph over, along, or across a Street (not being a Street in the Metropolis or in a City or large Town) or a public Road, or to place Posts in or upon a Street (not being such a Street as aforesaid) or a public Road, they shall publish a Notice stating that they have obtained the Consent in that Behalf of the Body having the Control of the Street or public Road, and describing the intended Course of the Telegraph,—

(1.) By affixing such Notice on some conspicuous Places by the Side of the Part of the Street or Road affected, at Distances of not more than One Mile apart:

(2.) By leaving such Notice at every Dwelling House fronting on the Part of the Street or Road affected, and being within Fifty Feet thereof:

(3.) By inserting such Notice as an Advertisement once at least in each of Two successive Weeks in some One and the same local Newspaper circulating in the Neighbourhood

Neighbourhood of the Part of the Street or Road affected:

And they shall not so place any such Telegraph or Post until the Expiration of Twenty-one Days from the last Publication of such Advertisement.

Power to Owner or Occupier of adjoining Land or Building to object.

XXIV. At any Time during such Twenty-one Days the Owner, Lessee, or Occupier of any Land or Building adjoining to either Side of such Street or Road may give to the Company Notice of his Objection to their intended Works, as prejudicially affecting such Land or Building, and send to the Board of Trade a Copy of his Notice of Objection.

Until Objection settled Works to be stayed.

XXV. Until such objection is settled, or is determined in manner herein-after provided, the Company shall not execute that Part of their intended Works to which the Objection relates.

Examination and Inquiry to be made by Board of Trade.

XXVI. As soon as may be after the Receipt of such Copy of Notice of Objection, the Board of Trade shall (unless the Difference between the Company and the Person objecting is arranged) make Inquiry and Examination, and hear and determine the Matter of the Objection.

Powers of Board of Trade respecting the Objection.

XXVII. On hearing any such Objection the Board of Trade—

(1.) may allow the Objection, wholly or in part; or

(2.) may authorize the Company to proceed with their Works, subject to the Provisions of this Act, according to their published Notice, paying to the Owner, Lessee, or Occupier objecting full Compensation (the Amount thereof to be determined, in case of Difference, by the Board of Trade) for any Damage done to him; or

(3.) may authorize the Company to so proceed subject to any such Conditions as to the Time or Mode of Execution of any Work, or as to the Removal or Alteration in any event of any Work, or as to any other Thing connected with or relative to any Work, as the Board of Trade thinks fit; or

(4.) may authorize the Company to so proceed subject to any such Modification of any intended Work as the Board of Trade prescribes; but so that in that Case such Notice and Opportunity of objecting and being heard as the Board of Trade directs shall be given to any Owner, Lessee, or Occupier whom such Modification may affect.

Decision of Board of Trade final.

XXVIII. The Determination of the Board of Trade on the Matter of any such Objection shall be final and conclusive.

Costs.

XXIX. The Board of Trade may allow to any Owner, Lessee,

see, or Occupier so objecting such Costs as seem just, to be paid by the Company.

Removal or Alteration of Works affecting Land or Buildings.

For Building or other Purposes, Owner, &c. may require Removal of Works.

XXX. Where at any Time before or after the passing of this Act the Company has constructed any Work under, in, upon, over, along, or across any Land or Building, or any Street or public Road adjoining to or near any Land or Building, and any Owner, Lessee, or Occupier of such Land or Building, or any Lord of a Manor, or other Person having any Interest in such Land or Building, desires to build upon or inclose such Land, or in any Manner to improve or alter such Land or Building, or to use such Land or Building in some Manner in which it was not actually used at the Time of the Construction of such Work by the Company, and with which the Continuance of such Work would interfere, then and in every such Case the following Provisions shall take effect:

(1.) Such Owner, Lessee, Occupier, Lord of a Manor, or other Person interested may give to the Company a Notice specifying the Nature of such intended Building, Inclosure, Improvement, Alteration, or other Use of the Land or Building, including Ingress or Egress thereto or therefrom, and requiring the Company to remove or alter their Work so that the same may not interfere therewith:

(2.) Within Fourteen Days after the Receipt of such Notice, or in case of Difference between the Company and the Person giving the same as to his Intention, then within Fourteen Days after the Receipt of a Certificate, signed by a Justice of the Peace, certifying that he is satisfied of the Intention of such Person to make such Building, Inclosure, Improvement, Alteration, or other Use of the Land or Building, and that the Continuance of such Work would interfere therewith, the granting of such Certificate being deemed to be a Matter referred to the Determination of the Justice so certifying, the Company shall remove or alter their Work so that the same shall not interfere with such intended Building, Inclosure, Improvement, Alteration, or other Use of the Land or Building:

(3.) When such Certificate is required by the Company the Costs thereof, when obtained, shall be paid by the Company to the Person giving the Notice:

(4.) Nothing herein shall empower any Person to obtain the Removal

Removal or Alteration of any Work contrary to the Terms of any Grant or Consent in Writing made or given by him, or by any Person through whom he takes his Estate or Interest.

Removal of injurious Works constructed before this Act.

XXXI. Where the Company has, before the passing of this Act, constructed any Work under, in, upon, over, along, or across a Street or public Road, and the Owner, Lessee, or Occupier of any Land or Building adjoining to or near the Street or public Road considers such Land or Building to be prejudicially affected by such Work, then the following Provisions shall take effect:

(1.) Such Owner, Lessee, or Occupier may give to the Company a Notice requiring them to remove or alter such Work, and specifying the Grounds of such Requisition:

(2.) The Company either shall, within One Month after Receipt of such Notice, remove or alter the Work in accordance with the Notice, or else, if they do not intend to remove or alter the Work in accordance with the Notice, shall, within One Week after Receipt of the Notice, deliver to the Person giving the Notice a Counter-Notice, specifying their Objection to such Removal or Alteration:

(3.) The Person giving the Notice may send Copies of the Notice and Counter-Notice to the Board of Trade:

(4.) As soon as may be after Receipt of such Copies the Board of Trade shall (unless the Difference between the Person giving the Notice and the Company is arranged) make Inquiry and Examination, and hear and determine the Matter of the Notice and Counter-Notice:

(5.) Such Owner, Lessee, or Occupier shall be entitled to obtain a Direction from the Board of Trade for the Removal or Alteration of such Work in every Case where it appears to the Board of Trade that such Land or Building is prejudicially affected by such Work, and that the Removal or Alteration thereof may be effected consistently with a due Regard to the efficient Working of the Company's Telegraphs, such Direction nevertheless to be given on such Terms and Conditions as to the Board of Trade seem, according to the Circumstances of the Case, just and expedient, including, if it seems expedient, the Condition of the Payment by such Owner, Lessee, or Occupier of any Expense incurred by the Company in or about such Removal or Alteration, the Amount thereof

thereof to be determined in case of Difference by the Board of Trade :

(6.) Nothing herein shall empower any Person to obtain the Removal or Alteration of any Work contrary to the Terms of any Grant or Consent in Writing made or given by him, or by any Person through whom he takes his Estate or Interest.

Restrictions as to Works affecting Railways and Canals.

For Works affecting Railways, Canals, &c. Consent of Directors, &c. requisite.

XXXII. The Company shall not place any Work under, in, upon, over, along, or across any Railway or Canal, except with the Consent of the Proprietors or Lessees, or of the Directors or Persons having the Control thereof. But this Provision shall not restrict the Company from placing any Work (subject and according to the other Provisions of this Act) under, in, upon, over, along, or across any Street or public Road, although such Street or public Road may cross or be crossed by a Railway or Canal, so that such Work do not damage the Railway or Canal, or interfere with the Use, Alteration, or Improvement thereof.

Access from future Docks to Canal.

XXXIII. If at any Time after the Company has placed any Work under, in, upon, over, along, or across any Canal, any Person having Power to construct Docks, Basins, or other Works upon any Land adjoining to or near such Canal constructs any Dock, Basin, or Work on such Land, but is prevented by the Company's Work from forming a Communication for the convenient Passage of Vessels with or without Masts between such Dock, Basin, or other Work, and such Canal, or if the Business of such Dock, Basin, or other Work is interfered with by reason or in consequence of any such Work of the Company, then the Company, at the Request of such Person, and on having reasonable Facilities afforded them by him for placing a Telegraph round such Dock, Basin, or other Work, under, in, upon, over, along, or across Land belonging to or under his Control, shall remove and place their Work accordingly. If any Dispute arises between the Company and such Person as to the Facilities to be afforded to the Company, or as to the Direction in which the Telegraph is to be placed, it shall be determined by the Board of Trade.

Appointment of Arbitrator by Board of Trade.

Board of Trade may in any Case appoint Arbitrator.

XXXIV. If in any Case where any Matter is herein-before authorized or directed to be determined by the Board of Trade it appears to the Board of Trade to be expedient, for Convenience of local Investigation or for any other Reason, that the Matter should be determined by an Arbitrator, the Board

Board of Trade may, notwithstanding anything herein-before contained, and whether the Board of Trade has entered on the Investigation or not, refer the Matter to some competent and impartial Person as Arbitrator; and with respect to the Matter so referred any such Arbitrator shall have the like Authority and Jurisdiction as the Board of Trade has under this Act, and his Determination shall have the same Effect as a Determination of the Board of Trade under this Act. The reasonable Expenses and Remuneration of the Arbitrator (to be settled in case of Difference by the Board of Trade) shall be paid by the Company.

Restrictions as to Works affecting Seashore.

For Works on Seashore, Consent of Proprietors of Shore and Conservancy or other Authorities requisite.

XXXV. The Company shall not place any Work under, in, upon, over, along, or across any Estuary or Branch of the Sea, or the Shore or Bed of any tidal Water, except with the Consent of all Persons and Bodies having any Right of Property, or other Right, or any Power, Jurisdiction, or Authority in, over, or relating to the same, which may be affected or be liable to be affected by the Exercise of the Powers of the Company (which Consent, where Her Majesty in right of Her Crown is interested, may be given on behalf of Her Majesty by the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, in Writing signed by them or him).

Plan of such Works to be subject to Approval of Board of Trade.

XXXVI. Before commencing the Construction of any such Work as last aforesaid, or of any Buoy or Sea Mark connected therewith, except in Cases of Emergency for Repairs to any Work previously constructed or laid, and then as speedily after the Commencement of such Work as may be, the Company shall deposit at the Office of the Board of Trade a Plan thereof, for the Approval of the Board of Trade. The Work shall not be constructed otherwise than in accordance with such Approval. If any Work is constructed contrary to this Provision, the Board of Trade may, at the Expense of the Company, abate and remove it, or any Part of it, and restore the Site thereof to its former Condition.

Lights and Signals for such Works.

XXXVII. Notwithstanding anything in The Merchant Shipping Act, 1854, or any Act amending the same, contained, the Company may, in or about the Construction, Maintenance, or Repair of any such Work, use on board Ship or elsewhere any Light or Signal allowed by any Regulation to be made in that Behalf by the Board of Trade.

Power of Board of Trade as

XXXVIII. If any such Work, Buoy, or Sea Mark is abandoned, or suffered to fall into Decay, the Board of Trade may, if and as they think fit, at the Expense of the Company, either repair

repair and restore it or any Part of it, or abate and remove it or any Part of it, and restore the Site thereof to its former Condition. to such Works if disused, &c.

XXXIX. The Board of Trade may at any Time, at the Expense of the Company, cause to be made a Survey and Examination of any such Work, Buoy, or Sea Mark, or of the Site thereof. Local Survey of such Works by Board of Trade.

XL. Whenever the Board of Trade, under the Authority of this Act, does, in relation to any such Work, any Act or Thing which they are by this Act authorized to do at the Expense of the Company, the Amount of such Expense shall be a Debt due to the Crown from the Company, and shall be recoverable as such, with Costs, or the same may be recovered, with Costs, as a Penalty is or may be recoverable from the Company. Recovery of Expenses by Board of Trade in such Cases.

General Obligations and Liabilities of Company and their Servants.

XLI. Every Telegraph of the Company shall be open for the Messages of all Persons alike, without Favour or Preference; but this Provision shall not prejudicially affect the Operation of any Lease or Agreement authorized by this Act. Telegraph to be open for all Messages without Preference; subject to Leases.

XLII. The Company shall be answerable for all Accidents, Damages, and Injuries happening through the Act or Default of the Company or of any Person in their Employment by reason or in consequence of any of the Company's Works, and shall save harmless all Bodies having the Control of Streets or public Roads, collectively and individually, and their Officers and Servants, from all Damages and Costs in respect of such Accidents and Injuries. Company to be responsible for all Damages.

XLIII. The Company shall not sell, transfer, or lease their Undertaking or Works, or any Part thereof, to any other Company or to any Body or Person, except with the Consent of the Board of Trade previously obtained for such Sale, Transfer, or Lease; but this Provision shall not, as far as it relates to Leases, apply to the Universal Private Telegraph Company, constituted by the Special Act of 1861 in the Schedule to this Act mentioned, and shall not restrict the granting of any Lease by any Company in pursuance of any Agreement in that Behalf made before the Twelfth Day of *February* One thousand eight hundred and sixty-three, and shall not restrict the making or carrying into effect by any Company of any Arrangement with any Person for providing any Work for his private Use only. Sale, &c. of Undertaking and Leases of Wires (with Exceptions) prohibited, except with Consent of Board of Trade.

XLIV. The

Registered Office of Company for Service of Documents.

XLIV. The Company, before exercising any Power for the Construction of Works or the opening or breaking up of Streets or public Roads in any one of the Three Parts of the United Kingdom, shall give to the Registrar of Joint Stock Companies acting for that Part of the United Kingdom under The Companies Act, 1862, Notice of the Situation of some Office where Notices may be served on the Company within that Part of the United Kingdom; and the Company shall from Time to Time give to such Registrar Notice of any Change in the Situation of such Office: Every such Notice shall be recorded by the Registrar, and the Record thereof may be inspected from Time to Time by any Person: The Delivery at the Office of which Notice is so given of any Notice, Writ, Summons, or other Document addressed to the Company shall, for the Purposes of this Act and all other Purposes, be deemed good Service on the Company: The Company shall, on giving each Notice to the Registrar under the present Section, pay such Fee as is payable under the last-mentioned Act on Registration of any Document by that Act required or authorized to be registered, other than a Memorandum of Association; and every Person inspecting the Record of such Notice with the Registrar shall pay such Fee as is for the Time being payable under the last-mentioned Act for Inspection of Documents kept by the Registrar under that Act.

Punishment of Officers of Company for Misconduct respecting Messages.

XLV. If any Person in the Employment of the Company—

Wilfully or negligently omits or delays to transmit or deliver any Message;

Or by any wilful or negligent Act or Omission prevents or delays the Transmission or Delivery of any Message;

Or improperly divulges to any Person the Purport of any Message,—

He shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds.

Saving for Effect of future General Acts.

XLVI. Nothing in this Act, and nothing in any future Special Act, except so far as express Provision to the contrary hereof may be thereby made, shall relieve the Company from being subject to any Restrictions, Regulations, or Provisions which may hereafter be made by Act of Parliament respecting Telegraphs or Telegraph Companies or their Charges.

Saving as to Restrictions on and Duties of existing Companies.

Certain Enactments in Special Acts not affected by this Act.

XLVII. Nothing in this Act shall affect any of the Enactments specified in the Schedule to this Act.

Powers

Powers of Her Majesty's Government over Company.

Messages on Her Majesty's Service to have Priority.

XLVIII. If One of Her Majesty's Principal Secretaries of State, or the Board of Trade, or other Department of Her Majesty's Government, requires the Company to transmit any Message on Her Majesty's Service, such Message shall (notwithstanding anything herein-before contained) have Priority over all other Messages; and the Company shall as soon as reasonably may be transmit the same, and shall, until Transmission thereof, suspend the Transmission of all other Messages.

On Request of Board of Trade Company to place Telegraph.

XLIX. On the Request of the Board of Trade, the Company shall from Time to Time place and shall maintain such a Telegraph as the Board of Trade appoints, to be for the exclusive Use of Her Majesty, and to be applied to such Purposes, whether for the immediate Service of Her Majesty, or otherwise, as Her Majesty thinks fit.

On Refusal or Neglect of Company, Power to Board of Trade to place such Telegraph.

L. If the Company refuses or neglects to place a Telegraph in accordance with such Request, the Board of Trade may cause such a Telegraph to be placed in connexion with any of the Company's Works, by such Persons and in such Manner as the Board of Trade thinks fit, and for that Purpose shall have and may exercise all the Powers under this Act or otherwise vested in the Company; subject, nevertheless, to the Restrictions and Provisions under this Act or otherwise applicable to the Company, and without Prejudice to the Exercise by the Company of the Powers under this Act or otherwise vested in them.

Remuneration of Company for placing such Telegraph.

LI. Where the Company places a Telegraph, in pursuance of such Request of the Board of Trade, the Commissioners of Her Majesty's Treasury shall pay to the Company, as Remuneration for the same, out of Money to be provided by Parliament for the Purpose, such Sum, annual or in gross, or both, as may be settled between the Board of Trade and the Company by Agreement, or, in case of Difference, by Arbitration, such Arbitration to be conducted as follows:

(1.) The Board of Trade and the Company shall each, within Fourteen Days after the Delivery by one to the other of a Demand in Writing for an Arbitration, nominate an Arbitrator:

(2.) The Two Arbitrators nominated shall, before entering on the Arbitration, nominate an Umpire:

(3.) If either Party or Arbitrator makes default in nominating an Arbitrator or Umpire within Fourteen Days after receiving from the other a Demand in Writing for such Nomination, the Lord Chief Justice of Her Majesty's

Majesty's Court of Common Pleas at *Westminster* may, on the Request of the Board of Trade, or of the Company, by Writing under his Hand, nominate an Arbitrator or Umpire:

(4.) The Arbitrators shall make their Award within Twenty-eight Days after their Nomination, otherwise the Matter shall be left to be determined by the Umpire:

(5.) The Umpire shall make his Award within Twenty-eight Days after Notice from the Arbitrators or One of them that the Matter is left to be determined by him; or, on default, a new Umpire shall be appointed as nearly as may be in manner aforesaid, who shall make his Award within the like Time, or on default be superseded; and so *toties quoties:*

The Award of the Arbitrators or Umpire shall be final and conclusive as between the Board of Trade and the Company.

In Emergencies Telegraphs may be taken possession of for Her Majesty's Service.

LII. Where, in the Opinion of One of Her Majesty's Principal Secretaries of State, an Emergency has arisen in which it is expedient for the Public Service that Her Majesty's Government should have Control over the Transmission of Messages by the Company's Telegraphs, the Secretary of State, by Warrant under his Hand, may direct and cause the Company's Works, or any Part thereof, to be taken possession of in the Name and on behalf of Her Majesty, and to be used for Her Majesty's Service, and, subject thereto, for such ordinary Service as may seem fit; or may direct and authorize such Persons as he thinks fit to assume the Control of the Transmission of Messages by the Company's Telegraphs, either wholly or partly, and in such Manner as he directs. Any such Warrant shall not have effect for a longer Time than One Week from the issuing thereof; but the Secretary of State may issue successive Warrants from Week to Week as long as, in his Opinion, such Emergency continues. The Commissioners of Her Majesty's Treasury shall pay to the Company, as Compensation for any Loss of Profit sustained by the Company by reason of the Exercise by the Secretary of State of any of the Powers of the present Section, out of Money to be provided by Parliament for the Purpose, such Sum as may be settled between the Secretary of State and the Company by Agreement, or, in case of Difference, by Arbitration,—such Arbitration to be conducted in manner provided in the last foregoing Section, the Secretary of State being only substituted for the Board of Trade.

Power to proceed

LIII. Where it appears to the Board of Trade that any Provision of this Act has not been complied with on the Part of

of the Company, and that it would be for the public Advantage that Compliance therewith should be enforced, the Board of Trade may certify accordingly to Her Majesty's Attorney General for *England* or for *Ireland*, or to the Lord Advocate for *Scotland*, as the Case may require; and thereupon the Attorney General or Lord Advocate may, by such Civil or Criminal Proceeding as the Case may require, enforce Compliance with such Provision, by the Recovery of Penalties, or otherwise according to Law. But no such Certificate shall be made by the Board of Trade until the Expiration of Twenty-one Days after they have given Notice to the Company of their Intention to make the same. This Provision shall be deemed to be cumulative, and to be without Prejudice to any other Remedy or Process against the Company on the Part of Her Majesty or of any Person or Body.

against Company given to Law Officers of Crown on Certificate of Board of Trade.

SCHE-

No. 32. (Pub. Gen. Statutes, 1863—Scotland.)

SCHEDULE.

Enactments in Special Acts of existing Companies which are not to be affected by this Act.

Session and Chapter of Act.	Short Title of Act.	Enactments to which Saving extends.
16 & 17 Vict. c. clix.	The British Electric Telegraph Company's Act, 1853.	Section Forty-three (relating to Works affecting the Thames).
16 & 17 Vict. c. cciii.	The Electric Telegraph Company's Act, 1853.	Section Fifty-six (relating to Works affecting the Thames).
24 & 25 Vict. c. lxi.	The Universal Private Telegraph Company's Act, 1861.	Section Twenty-seven (relating to Works affecting the Mersey Dock Estate).
24 & 25 Vict. c. xcii.	Bonelli's Electric Telegraph Act, 1861.	Sections Twenty-five, Twenty-six, Twenty-seven (relating to Works affecting the Thames), and Thirty-eight and Thirty-nine (relating to Works affecting the Mersey, and to the Mersey and Irwell Navigation).
25 & 26 Vict. c. cxxxi.	United Kingdom Electric Telegraph Act, 1862.	Sections Fifty-three, Fifty-four, Fifty-five (relating to Works affecting the Thames), Fifty-seven, Fifty-eight (relating to Works affecting the Mersey, and to the Mersey and Irwell Navigation), Seventy-four (relating to a Sale, Transfer, or Lease), and Seventy-six (relating to Works in Scotland).

CAP. CXIII.

An Act to prohibit the Sale and Use of poisoned Grain or Seed.—[28*th* July 1863.]

WHEREAS it is expedient to prohibit the Sale and Use of poisoned Grain or Seed: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title of Act.

I. This Act may be cited for all Purposes as "The Poisoned "Grain Prohibition Act, 1863."

Penalty for selling poisoned Grain, Seed, or Meal.

II. Every Person who shall offer or expose for Sale or Sell any Grain, Seed, or Meal which has been so steeped or dipped in Poison, or with which any Poison or any Ingredient or Preparation has been so mixed, as thereby to render the same poisonous, and calculated to destroy Life, shall in either Case for every such Offence, upon Summary Conviction, as hereinafter provided, forfeit any Sum not exceeding Ten Pounds.

Penalty for sowing, &c. poisoned Grain, Seed, or Meal.

III. Every Person who shall knowingly and wilfully sow, cast, set, lay, put, or place, or cause to be sown, cast, set, laid, put, or placed, into, in, or upon any Ground or other exposed Place or Situation, any such Grain, Seed, or Meal which has been so steeped or dipped in Poison, or with which Poison or any Ingredient or Preparation has been so mixed as thereby to render such Grain, Seed, or Meal poisonous, and calculated to destroy Life, shall, upon a summary Conviction thereof as herein-after provided, forfeit any Sum not exceeding Ten Pounds.

Solutions or Infusions, &c. allowed for Use in Agriculture.

IV. Nothing in this Act shall prohibit the offering or exposing for Sale or selling or the Use of any Solution or Infusion, or any Material or Ingredient for dressing, protecting, or preparing any Grain or Seed for *bonâ fide* Use in Agriculture only, or the sowing of such last-mentioned Grain or Seed so prepared.

Recovery of Penalties.

V. All Penalties imposed by this Act may be recovered in *England* and *Ireland* before Two Justices of the Peace, and in *Scotland* before Two Justices of the Peace or the Sheriff; and for that Purpose in *England* and *Scotland* the Provisions of the Act of the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three, and in *Ireland* the "Petty "Sessions (*Ireland*) Act, 1851," shall extend and apply to this Act, and to all Proceedings in relation thereto; and it shall not

Application of 11 & 12 Vict. c. 43. and 14 & 15 Vict. c. 93. to this Act.

not in any such Proceedings be necessary to allege or prove the Ground or other Place where an Offence is committed to be the Property of or occupied by any Person: Provided always, that the convicting Justices or Sheriff may, if they or he shall think fit, award to the Informer or Prosecutor (not being a Police Constable or Peace Officer) in any such Proceedings any Portion not exceeding One Moiety of any Penalty recovered under the aforesaid Enactments: Provided also, that every Informer or Prosecutor, and every Person who shall give Evidence against any other Person proceeded against under this Act, shall be freed and discharged from any such Penalty which he may have incurred for or by reason of his having participated or aided in the Commission of the Offence with respect to which he shall so inform or prosecute or give Evidence, provided the Information against such other Person has been laid, or such Evidence has been given, before the laying of any Information (if any) against such Informer, Prosecutor, or Witness for the Recovery of any Penalty he may have so incurred.

Informer (not a Constable) entitled to Moiety of Penalty.

Indemnity to Witnesses, &c.

CAP. CXIV.

An Act to amend the Laws relating to Fisheries in Ireland.—[28*th* July 1863.]

CAP. CXV.

An Act to explain the Act for the Amendment of the Law relative to gratuitous Trustees in Scotland.—[28*th* July 1863.]

WHEREAS an Act was passed in the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, intituled *An Act to amend the Law in* Scotland *relative to the Resignation, Powers, and Liabilities of gratuitous Trustees:* And whereas Doubts have arisen as to the Trusts to which the recited Act applies: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

24 & 25 Vict. c. 84.

Recited Act to apply to

I. The recited Act is and shall be applicable to all Trusts constituted

constituted by virtue of any Deed or Local Act of Parliament under which gratuitous Trustees are nominated, at whatever Time such Trusts may have been or may be constituted. Trusts, at whatever Time constituted.

II. The Expression "gratuitous Trustees" in the recited Act and this Act shall extend to and include gratuitous Trustees who are appointed or who hold *ex officio*. Acts to extend to gratuitous Trustees ex officio.

CAP. CXVI.

An Act to provide for the Appointment of Navy Prize Agents, and respecting their Duties and Remuneration.—[28*th* July 1863.]

CAP. CXVII.

An Act to amend the Nuisances Removal Act for England, 1855, *with respect to the Seizure of diseased and unwholesome Meat.*—[28*th* July 1863.]

CAP. CXVIII.

An Act for consolidating in One Act certain Provisions frequently inserted in Acts relating to the Constitution and Management of Companies incorporated for carrying on Undertakings of a public Nature.—[28*th* July 1863.]

WHEREAS The Companies Clauses Consolidation Act, 1845, and The Companies Clauses Consolidation (*Scotland*) Act, 1845, respectively, were passed in order to comprise in One General Act such Provisions relating to the Constitution and Management of Joint Stock Companies incorporated for the Purpose of carrying on Undertakings of a public Nature in *England* or *Ireland*, or in *Scotland*, respectively, as were at the Times of the passing of those Acts usually introduced into Acts of Parliament relating to such Companies: 8 & 9 Vict. cc. 16. & 18.

And whereas sundry Provisions of the like Nature, but not comprised

comprised in the said General Acts respectively, are now frequently introduced into Acts of Parliament relating to such Companies, and it is expedient to comprise such last-mentioned Provisions also in One General Act, such Act to be applicable to *England* or *Ireland*, or to *Scotland*, as the Case may require, and that as well for the Purpose of avoiding the Necessity of repeating such Provisions in the Acts relating to such Undertakings, as for ensuring greater Uniformity in the Provisions themselves:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited as The Companies Clauses Act, 1863.

Division of Act into Parts.

II. This Act shall be deemed to be divided into Four Parts, as follows:

Part I. relating to Cancellation and Surrender of Shares;
Part II. relating to Additional Capital;
Part III. relating to Debenture Stock;
Part IV. relating to Change of Name.

PART I.

Cancellation and Surrender of Shares.

Application of Part I.

III. This Part of this Act shall apply to every Company incorporated either before or after the passing of this Act which obtains a Special Act incorporating this Part of this Act.

Power to Company to cancel forfeited Shares.

IV. Where any Share of the Capital of the Company is after the passing of this Act declared forfeited under and in pursuance of the Provisions with respect to the Forfeiture of Shares for Nonpayment of Calls contained in The Companies Clauses Consolidation Act, 1845, and The Companies Clauses Consolidation (*Scotland*) Act, 1845, respectively, and the Forfeiture is confirmed by a Meeting in accordance with the same Provisions respectively, and Notice of the Forfeiture has been given,—then and in every such Case, if the Directors of the Company are unable to sell the Share for a Sum equal to the Arrears of Calls and Interest and Expenses due in respect thereof, the Company at any General Meeting held not less than Two Months after such Notice is given may, in case Payment of the Arrears of Calls, Interest, and Expenses due in respect thereof is not made by the registered Holder of the Share

Share before the Meeting is held, resolve that the Share instead of being sold shall be cancelled, and the Share shall thereupon be cancelled accordingly.

Evidence for Cancellation of forfeited Shares.

V. A Declaration in Writing made by some credible Person, in *England* or *Ireland* before a Justice, and in *Scotland* before any Sheriff or Justice, stating that a Sum of Money sufficient to pay the Arrears of Calls, Interest, and Expenses due in respect of the Share, could not at the Time of the Cancellation of the Share be obtained for the same upon the Stock Exchange prescribed in the Special Act, and if no Stock Exchange is prescribed then upon the Stock Exchange, as to *England*, of the City of *London*, and as to *Scotland* of the City of *Edinburgh*, and as to *Ireland* of the City of *Dublin*, shall be sufficient Evidence of the Fact so declared.

Payment of Calls in arrear notwithstanding Cancellation.

VI. Where it is so resolved that any Share shall be cancelled, the Holder thereof shall from and after the passing of the Resolution be precluded from all Right and Interest therein and in respect thereof; but the Cancellation shall not affect the Liability of the last registered Holder of the Share to pay to the Company all Arrears of Calls, Interest, and Expenses due in respect of the Share at the Time of the Cancellation, or the Power of the Company to enforce Payment thereof by Action or otherwise.

Value of forfeited Shares to be deducted from Amount due in respect thereof.

VII. Provided always, That if the Company enforces the Payment of the Arrears of Calls, Interest, and Expenses under the last preceding Provision, the Value of the Share at the Time of the Cancellation thereof shall be deducted from the Amount so then due; provided also, that if Payment of all Arrears of Calls, Interest, and Expenses is made before such Meeting as aforesaid is held, the Share shall revert to the Person to whom it belonged at the Time of Forfeiture, and shall be re-entered on the Company's Register accordingly.

Company may cancel Forfeited Shares with Consent of Holders.

VIII. Where any Share is declared forfeited, or where any Sum payable on any Share remains unpaid, the Company, with the Consent in Writing of the registered Holder of the Share, and with the Sanction of a General Meeting, may resolve that the Share shall be cancelled, and immediately thereupon the Share shall be cancelled, and all Liabilities and Rights with respect to the Share shall thereupon be absolutely extinguished.

As to Surrender of Shares.

IX. The Company may from Time to Time accept, on such Terms as they think fit, Surrenders of any Shares which have not been fully paid up.

No Money to be paid for Cancellation or Surrender.

X. The Company shall not pay or refund to any Shareholder any Sum of Money for or in respect of the Cancellation or Surrender of any Share.

XI. The

Power to create Shares in lieu of cancelled, forfeited, &c., Shares.

XI. The Company may from Time to Time, in lieu of any Shares that have been cancelled or surrendered, issue new Shares of such Amounts as will allow the same to be conveniently apportioned or disposed of according to the Resolution of any Ordinary or Extraordinary Meeting of the Company, and may from Time to Time fix the Amounts and Times of Payment of the Calls on any such new Shares, and dispose thereof on such Terms and Conditions as may be so resolved upon: Provided, that the aggregate nominal Amount of the new Shares shall not exceed the aggregate nominal Amount of the Shares in lieu of which the new Shares are issued, after deducting the Amount actually paid up in respect of the Shares cancelled or surrendered.

PART II.

Additional Capital.

New Ordinary Shares or Stock.

Regulations as to Creation and Issue of Ordinary Shares or new Ordinary Stock.

XII. Where any Company, incorporated either before or after the passing of this Act for the purpose of carrying on any Undertaking, is authorized by any Special Act hereafter passed, and incorporating this Part of this Act, to raise any additional Sum or Sums by the Issue of new Ordinary Shares, or by the Issue of new Ordinary Stock, or (at the Option of the Company) by either of those Modes,—then and in every such Case the Company, with the Sanction of such Proportion of the Votes of the Shareholders and Stockholders entitled to vote in that Behalf at Meetings of the Company, present (personally or by proxy) at a Meeting of the Company specially convened for the Purpose, as is prescribed in the Special Act, and if no Proportion is prescribed, then of Three Fifths of such Votes, may, for the Purpose of raising the additional Sum or Sums, from Time to Time create and issue (according as the Authority given by the Special Act extends to Shares only, or to Stock only, or to both) such new Ordinary Shares, of such nominal Amount, and subject to the Payment of Calls of such Amounts and at such Times, as the Company thinks fit, or such new Ordinary Stock as the Company thinks fit.

Preference Shares or Stock.

Regulations as to Creation and Issue

XIII. Where any such Company is authorized by any Special Act hereafter passed and incorporating this Part of this Act to raise any additional Sum or Sums by the Issue of new Preference

Preference Shares, or by the Issue of new Preference Stock, or (at the Option of the Company) by either of those Modes, —then and in every such Case the Company, with the like Sanction as aforesaid, may for the Purpose of raising such additional Sum or Sums from Time to Time create and issue (according as the Authority given by the Special Act extends to Shares only, or to Stock only, or to both) such new Shares or new Stock, either Ordinary or Preference, and either of one Class and with like Privileges, or of several Classes and with different Privileges, and of the same or different Amounts, and respectively with any fixed, fluctuating, contingent, preferential, perpetual, terminable, deferred, or other Dividend or Interest, not exceeding the Rate prescribed in the Special Act, and if no Rate is prescribed then not exceeding the Rate of Five Pounds *per Centum per Annum*, and subject (as to any such new Shares) to the Payment of Calls of such Amounts and at such Times, as the Company from Time to Time thinks fit:

of new Preference Shares or new Preference Stock.

Provided always, that any Preference assigned to any Shares or Stock so issued under the Special Act shall not affect any Guarantee, or any Preference or Priority in the Payment of Dividend or Interest, on any Shares or Stock, that may have been granted by the Company under or confirmed by any previous Act, or that may be otherwise lawfully subsisting.

Saving Rights of Preference Shareholders.

XIV. The Preference Shares or Preference Stock so issued shall be entitled to the preferential Dividend or Interest assigned thereto, out of the Profits of each Year, in priority to the Ordinary Shares and Ordinary Stock of the Company; but if in any Year ending on the Day prescribed in the Special Act, and if no Day is prescribed, then on the Thirty-first Day of *December*, there are not Profits available for the Payment of the full Amount of preferential Dividend or Interest for that Year, no Part of the Deficiency shall be made good out of the Profits of any subsequent Year, or out of any other Funds of the Company.

Preference Shares to be entitled to Dividends only out of the Profits of each Year.

XV. The Terms and Conditions to which any Preference Share or Preference Stock is subject shall be clearly stated on the Certificate of that Preference Share or Portion of Preference Stock.

Terms, &c. to be stated on Certificates.

General Provisions as to new Shares or Stock.

XVI. If, after having created new Shares or new Stock, the Company determines not to issue the whole of the new Shares or new Stock, they may cancel the unissued new Shares or new Stock.

Unissued Shares and Stock may be cancelled.

XVII. If, at the Time of the Issue of new Shares or new Stock,

If Ordinary Stock

or Shares at a Premium new Shares or Stock to be offered to existing ordinary Shareholders.

Stock, the Ordinary Shares or Ordinary Stock of the Company are or is at a Premium, then, unless the Company before the Issue of the new Shares or new Stock otherwise determines, the new Shares or new Stock then issued shall be of such Amount as will conveniently allow the same to be apportioned among the then Holders of the Ordinary Stock and Ordinary Shares, respectively, in proportion, as nearly as conveniently may be, to the Ordinary Shares and Ordinary Stock held by them respectively, and shall be offered to them at par in that Proportion: Provided, that it shall not be obligatory on the Company so to apportion or offer any new Shares or new Stock unless the Amount of every new Share or Portion of new Stock to be so offered would if so apportioned be at least the Sum prescribed in the Special Act, and if no Sum is prescribed then at least Ten Pounds.

Offer to be made by Letter.

XVIII. The Offer of new Shares or new Stock shall be made by Letter under the Hand of the Treasurer or Secretary of the Company given to every such Shareholder or Stockholder as aforesaid, or sent by Post addressed to him according to his Address in the Shareholders or Stockholders Address Book, or left for him at his usual or then last known Place of Abode in *England*, *Scotland*, or *Ireland* (as the Case may require); and every such Offer made by Letter sent by Post shall be considered as made on the Day on which the Letter in due course of Delivery ought to be delivered at the Place to which it is addressed.

New Shares or Stock to vest on Acceptance.

XIX. The new Shares or Portions of new Stock so offered shall vest in and belong to the Shareholders or Stockholders who accept the same or their Nominees.

As to Disposal of new Shares or Stock to others.

XX. If any Shareholder or Stockholder fails for the Time prescribed in the Special Act, and if no Time is prescribed then for One Month, after the Offer to him of new Shares or new Stock, to signify his Acceptance of the same or any Part thereof, then and in every such Case at the Expiration of that Period he shall be deemed to have declined the Offer of such new Shares or new Stock or such Part thereof as aforesaid, and the same may be disposed of by the Company as hereinafter provided:

Power to enlarge Time for accepting new Shares or Stock.

Provided, that where a Shareholder or Stockholder, from Absence abroad or other Cause satisfactory to the Directors of the Company, omits to signify within the Time aforesaid his Acceptance of the new Shares or new Stock offered to him, the Directors, if they think proper, may permit him to accept the same, notwithstanding that such Time has elapsed.

General Power to dispose of

XXI. Subject to the foregoing Provisions, the Company may from Time to Time dispose of new Shares and new Stock at

at such Times, to such Persons, on such Terms and Conditions, and in such Manner, as the Directors think advantageous to the Company, but so that not less than the full nominal Amount of any Share or Portion of Stock be payable or paid in respect thereof. unappropriated new Shares and Stock.

PART III.

Debenture Stock.

XXII. Where any Company, incorporated either before or after the passing of this Act for the Purpose of carrying on any Undertaking, is authorized by any Special Act hereafter passed, and incorporating this Part of this Act, to create and issue Debenture Stock,—then and in every such Case the Company, with the Sanction of such Proportion of the Votes of the Shareholders and Stockholders entitled to vote in that Behalf at Meetings of the Company, present (personally or by proxy) at a Meeting of the Company specially convened for the Purpose, as is prescribed in the Special Act, and if no Proportion is prescribed, then of Three Fifths of such Votes, may from Time to Time raise all or any Part of the Money which for the Time being they have raised, or are authorized to raise, on Mortgage or Bond, by the Creation and Issue, at such Times, in such Amounts and Manner, on such Terms, subject to such Conditions, and with such Rights and Privileges, as the Company thinks fit, of Stock to be called Debenture Stock, instead of and to the same Amount as the whole or any Part of the Money which may for the Time being be owing by the Company on Mortgage or Bond, or which they may from Time to Time have Power to raise on Mortgage or Bond, and may attach to the Stock so created such fixed and perpetual preferential Interest not exceeding the Rate prescribed in the Special Act, and if no Rate is prescribed, then not exceeding the Rate of Four Pounds *per Centum per Annum*, payable half-yearly or otherwise, and commencing at once, or at any future Time or Times, when and as the Debenture Stock is issued, or otherwise, as the Company thinks fit. Regulations as to Creation and Issue of Debenture Stock.

XXIII. Debenture Stock, with the Interest thereon, shall be a Charge upon the Undertaking of the Company, prior to all Shares or Stock of the Company, and shall be transmissible and transferable in the same Manner and according to the same Regulations and Provisions as other Stock of the Company, and shall in all other respects have the Incidents of Personal Estate. Debenture Stock to be a prior Charge.

XXIV. The

Interest on Debenture Stock to be a primary Charge.

XXIV. The Interest on Debenture Stock shall have Priority of Payment over all Dividends or Interest on any Shares or Stock of the Company, whether Ordinary or Preference or guaranteed, and shall rank next to the Interest payable on the Mortgages or Bonds for the Time being of the Company legally granted before the Creation of such Stock; but the Holders of Debenture Stock shall not, as among themselves, be entitled to any Preference or Priority.

Payment of Arrears may be enforced by Appointment of Receiver or Judicial Factor.

XXV. If within Thirty Days after the Interest on any such Debenture Stock is payable the same is not paid, any One or more of the Holders of the Debenture Stock holding, individually or collectively, the Sum in nominal Amount thereof prescribed in the Special Act, and if no Sum is prescribed, then a Sum equal to One Tenth of the aggregate Amount which the Company is for the Time being authorized to raise by Mortgage, by Bond, and by Debenture Stock, or the Sum of Ten thousand Pounds, whichever of the Two last-mentioned Sums is the smaller Sum, may (without Prejudice to the Right to sue in any Court of competent Jurisdiction for the Interest in arrear) require the Appointment in *England* or *Ireland* of a Receiver, and in *Scotland* of a Judicial Factor.

Mode of appointing Receiver or Judicial Factor.

XXVI. Every such Application for a Receiver shall be made to Two Justices, and every such Application for a Judicial Factor shall be made to the Court of Session; and on any such Application the Justices or Court (as the Case may be), by Order in Writing, after hearing the Parties, may appoint some Person to receive the whole or a competent Part of the Tolls or Sums liable to the Payment of the Interest, until all the Arrears of Interest then due on the Debenture Stock, with all Costs, including the Charges of receiving the Tolls or Sums, are fully paid; and upon such Appointment being made all such Tolls or Sums shall be paid to and received by the Person so appointed; and all Money so received shall be deemed so much Money received by or to the use of the several Persons interested in the same, according to their several Priorities.

The Receiver or Judicial Factor shall distribute rateably and without Priority, among all the Proprietors of Debenture Stock to whom Interest is in arrear, the Money which so comes to his Hands, after applying a sufficient Part thereof in or towards Satisfaction of the Interest on the Mortgages and Bonds of the Company.

As soon as the full Amount of Interest and Costs has been so received, the Power of the Receiver or Judicial Factor shall cease, and he shall be bound to account to the Company for his Acts or Intromissions or the Sums received by him, and to

to pay over to the Company any Balance that may be in his Hands.

Arrears may be recovered by Action or Suit.

XXVII. If the Interest on Debenture Stock is in arrear for Thirty Days next after any of the respective Days whereon the same is payable, the Holder for the Time being thereof may (without Prejudice to his Power to apply for the Appointment of a Receiver or Judicial Factor) recover the Arrears with Costs by Action or Suit against the Company in any Court of competent Jurisdiction.

Debenture Stock to be registered.

XXVIII. The Company shall cause Entries of the Debenture Stock from Time to Time created to be made in a Register to be kept for that Purpose, wherein they shall enter the Names and Addresses of the several Persons and Corporations from Time to Time entitled to the Debenture Stock, with the respective Amounts of the Stock to which they are respectively entitled; and the Register shall be accessible for Inspection and Perusal at all reasonable Times to every Mortgagee, Bondholder, Debenture Stock Holder, Shareholder, and Stockholder of the Company, without the Payment of any Fee or Charge.

Company to deliver Certificate to Holders of Debenture Stock.

XXIX. The Company shall deliver to every Holder of Debenture Stock a Certificate stating the Amount of Debenture Stock held by him; and all Regulations or Provisions for the Time being applicable to Certificates of Shares in the Capital of the Company shall apply, *mutatis mutandis*, to Certificates of Debenture Stock.

Mortgages not affected by this Act.

XXX. Nothing herein or in the Special Act authorizing the Issue of Debenture Stock contained shall in any way affect any Mortgage or Bond at any Time legally granted by the Company before the Creation of such Stock, or any Power of the Company to raise Money on Mortgage or Bond, but the Holders of all such Mortgages and Bonds shall, during the Continuance thereof respectively, be entitled to the same Priorities, Rights, and Privileges in all respects as they would have been entitled to if the Special Act authorizing the Issue of Debenture Stock had not been passed.

Holders of Debenture Stock not to vote.

XXXI. Debenture Stock shall not entitle the Holders thereof to be present or vote at any Meeting of the Company, or confer any Qualification, but shall, in all respects not otherwise by or under this Act or the Special Act provided for, be considered as entitling the Holders to the Rights and Powers of Mortgagees of the Undertaking other than the Right to require Repayment of the Principal Money paid up in respect of the Debenture Stock.

Application of Money raised.

XXXII. Money raised by Debenture Stock shall be applied exclusively either in paying off Money due by the Company on

on Mortgage or Bond, or else for the Purposes to which the same Money would be applicable if it were raised on Mortgage or Bond instead of on Debenture Stock.

Separate Accounts of Debenture Stock.

XXXIII. Separate and distinct Accounts shall be kept by the Company, showing how much Money has been received for or on account of Debenture Stock, and how much Money borrowed or owing on Mortgage or Bond, or which they have Power so to borrow, has been paid off by Debenture Stock, or raised thereby, instead of being borrowed on Mortgage or Bond.

Borrowing Powers extinguished to extent of Debenture Stock.

XXXIV. The Powers of borrowing and re-borrowing by the Company shall, to the Extent of the Money raised by the Issue of Debenture Stock, be extinguished.

Application of Part III. to Mortgage Preference Stock, and Funded Debt.

XXXV. The Provisions of this Part of this Act shall be deemed to apply to Mortgage Preference Stock, and to Funded Debt, as the Case may require, in all respects as if Mortgage Preference Stock or Funded Debt were mentioned throughout this Part of this Act wherever Debenture Stock is mentioned therein.

PART IV.

Change of Name.

Continuance of Powers.

XXXVI. Where by any Special Act hereafter passed and incorporating this Part of this Act the Name of any Company incorporated either before or after the passing of this Act for the Purpose of carrying on any Undertaking is changed,—then and in every such Case from the passing of the Special Act the Company by their new Name shall have and may exercise the Powers then vested in the Company by their original Name; and all Acts relating to the Company by their original Name shall be read and interpreted as if throughout those Acts, wherever the original Name of the Company or any Reference to the Company by their original Name occurs, the new Name of the Company or a Reference to the Company by their new Name were substituted.

Actions, &c. not to abate.

XXXVII. No Action, Suit, Bill, Process, Writ, Indictment, Information, or other Proceeding, whether civil or criminal, which at or immediately before the passing of the Special Act is commenced and is then pending,—either at the Suit or Instance of the Company, by their original Name, against any other Corporation or any Person, or at the Suit or Instance of any other Corporation or any Person against the Company, by their original Name,—shall abate, determine, or be otherwise impeached or affected for or by reason of the Change of the Name of the Company; nor shall any Notice, Tender, Requisition

Requisition, Warrant, Summons, Pleading, civil or criminal Writ or other Process, Record, Deed, Contract, Agreement, Writing, or Instrument then or thereafter to be made, issued, written, or commenced, be deemed to be vacated, discharged, invalidated, prejudiced, or affected by reason of the Company or their Undertaking being therein respectively called by the original Name of the Company or Undertaking; and it shall not be necessary in any Bill, Suit, Indictment, Information, Proceeding, Notice, Tender, Requisition, Warrant, Summons, Pleading, civil or criminal Writ, or other Process, or in any Record, Deed, Contract, Agreement, Writing, or other Instrument or Matter, to aver that the Company had been called or known for any Period by the original Name of the Company, or that their Undertaking had been called or known within that Period by the original Name of the Undertaking, and that by the Special Act effecting the Change the Names of the Company and their Undertaking were changed, and that after the passing of that Special Act the Company had been called or known by their new Name and their Undertaking by its new Name; but it shall be deemed true, lawful, and sufficient therein to aver the Style and describe the Company by their new Name, and their Undertaking by its new Name, in the same Manner as if the Company had been originally incorporated, called, or known by their new Name, and as if their Undertaking had been originally called or known by its new Name.

General Saving of Rights.

XXXVIII. Notwithstanding the Change of the Name of the Company, everything before the passing of the Special Act effecting the Change done, suffered, or confirmed under or by virtue of any other Act shall be as valid as if the Special Act effecting the Change were not passed; and the Change of Name and last-mentioned Special Act respectively shall accordingly be subject and without Prejudice to everything so done, suffered, or confirmed before the passing of the last-mentioned Special Act, and to all Rights, Liabilities, Claims, and Demands, then present or future, which, if the Change of Name had not happened and such last-mentioned Special Act had not been passed, would be incident to or consequent on anything so done, suffered, or confirmed.

Contracts, &c. preserved.

XXXIX. Notwithstanding the Change of the Name of the Company, all Deeds, Instruments, Purchases, Sales, Securities, and Contracts before the passing of the Special Act effecting the Change made under any other Act, or with reference to the Purposes thereof, shall be as effectual to all Intents in favour of, against, and with respect to the Company as if the Name of the Company had remained unchanged.

CAP. CXIX.

An Act to prevent false Representations as to Grants of Medals or Certificates made by the Commissioners for the Exhibitions of 1851 *and* 1862.—[28*th* July 1863.]

WHEREAS it is expedient to prevent false Representations with respect to Grants of Medals and Certificates by the Commissioners for the Exhibition of 1851 and the Commissioners for the Exhibition of 1862: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Penalty on false Representations.

As to having obtained Medals.

I. If any Trader commits any of the Offences following; that is to say,

1. Falsely represents that he has obtained a Medal or Certificate from the Exhibition Commissioners in respect of any Article or Process for which a Medal or Certificate has been awarded by the Commissioners:
2. Falsely represents (knowing such Representation to be false) that any other Trader has obtained a Medal or Certificate from the Exhibition Commissioners;
3. Falsely represents (knowing such Representation to be false) that any Article sold or exposed for Sale has been made by, or by any Process invented by, a Person who has obtained in respect of such Article or Process a Medal or Certificate from the Exhibition Commissioners;

He shall incur the following Penalties; that is to say,

1. For the First Offence he shall forfeit to Her Majesty a Sum not exceeding Five Pounds.
2. For any subsequent Offence he shall forfeit to Her Majesty a Sum not exceeding Twenty Pounds, or be imprisoned for a Period not exceeding Six Months.

Provisions as to Proceedings under this Act.

II. In Proceedings under this Act it shall not be necessary to prove that any Person has sustained Damage by the false Representations of the Defendant.

It shall not be necessary in any Proceedings under this Act to set out any Copy or Fac-simile of any Medal or Certificate.

III. For

III. For the Purposes of this Act "The Exhibition Commissioners" shall mean the Commissioners for the Exhibition of 1851 and the Commissioners for the Exhibition of 1862, or either of such Bodies of Commissioners. Definition of Terms.

The Term "Defendant" shall mean any Person against whom Proceedings may be taken under this Act.

IV. Offences under this Act may be prosecuted summarily in *England* and *Ireland* before Two Justices; as to *England*, in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Forty-three, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders*, or any Act amending the same; as to *Ireland*, in manner directed by the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to consolidate and amend the Acts regulating the Proceedings in Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions in* Ireland, or any Act amending the same. Recovery of Penalties.

In *Scotland*, an Offence against this Act may be prosecuted summarily at the Instance of the Procurator Fiscal before any Sheriff or Sheriff Substitute, or before any Two Justices of the County, or before the Magistrates or any Police Magistrate of the Burgh in which the Offence was committed.

V. No Provision of this Act shall take away, diminish, or prejudicially affect any Suit, Process, Proceeding, Right, or Remedy which any Person may be entitled to at Law, in Equity, or otherwise; nor exempt or excuse any Person from answering or making Discovery upon Examination as a Witness, or upon Interrogatories or otherwise, in any Suit or other Civil Proceeding: Provided always, that no Evidence, Statement, or Discovery which any Person shall be compelled to give or make shall be admissible in Evidence against such Person in support of any Indictment for a Misdemeanor at Common Law or otherwise, or of any Proceeding under the Provisions of this Act. Conviction not to affect any Right or Civil Remedy.

VI. This Act may be cited for all Purposes as "The Exhibition Medals Act, 1863." Short Title.

CAP. CXX.

An Act for the Augmentation of certain Benefices, the Right of Presentation to which is vested in the Lord Chancellor.—[28*th* July 1863.]

CAP. CXXI.

An Act to establish the Validity of Acts performed in Her Majesty's Possessions abroad by certain Clergymen ordained in Foreign Parts, and to extend the Powers of Colonial Legislatures with respect to such Clergymen.—[28*th* July 1863.]

CAP. CXXII.

An Act to enable Her Majesty in Council to make Alterations in the Circuits of the Judges.—[28*th* July 1863.] (England and Wales.)

CAP. CXXIII.

An Act to amend the Law relating to District Parochial Churches in Ireland.—[28*th* July 1863.]

CAP. CXXIV.

An Act for the more effectual Condensation of Muriatic Acid Gas in Alkali Works.—[28*th* July 1863.]

WHEREAS it is expedient to provide for the better Condensation of the Muriatic Acid Gas evolved in Alkali Works: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and

and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title.

I. This Act may be cited as the "Alkali Act, 1863."

Commencement of Act.

II. This Act shall come into operation on the First Day of *January* One thousand eight hundred and sixty-four.

Interpretation of Terms.

III. The Term "Alkali Work," as herein-after used, shall mean every Work for the Manufacture of Alkali, Sulphate of Soda, or Sulphate of Potash in which Muriatic Acid Gas is evolved:

The Term "Owner," as herein-after used, shall mean the Lessee or Occupier or any other Person carrying on any Alkali Work:

The Term "the Inspector" shall mean the Inspector to be appointed under this Act.

Alkali Works.

As to the Conduct of Alkali Works.

IV. Every Alkali Work shall be carried on in such Manner as to secure the Condensation to the Satisfaction of the Inspector, derived from his own Examination or from that of a Sub-Inspector, of not less than Ninety-five *per Centum* of the Muriatic Acid Gas evolved therein: Provided always, that nothing herein contained shall entitle the Inspector to direct any Alteration to be made in the Process of Manufacture or the Apparatus used therein.

If any Alkali Work is carried on in contravention of this Section, the Owner of that Work shall, on its being made to appear to the Court before which any Proceedings for Recovery of a Penalty may be instituted that Ninety-five *per Centum* at least of the Muriatic Acid Gas evolved in such Work has not been condensed, be deemed to be guilty of an Offence against this Act, and be subject in respect of the First Conviction to a Penalty not exceeding Fifty Pounds, and in respect of every Offence after a previous Conviction to a Penalty not exceeding One hundred Pounds: Provided always, that no such Owner shall be convicted of more than One such Offence in respect of any One Day: Provided also, that no such Penalty shall be inflicted unless the Inspector shall produce before the Court having Cognizance of the Matter a Statement in Writing of the Facts on which he founds his Opinion that Ninety-five *per Centum* of the Muriatic Acid Gas evolved in the Alkali Work is not condensed therein, and serve a Copy thereof with the Process commencing the Proceedings.

Owner to be liable

V. The Owner of any Alkali Work in which any Offence against

for Offences in the first instance, unless he prove that the Offence was committed by some Agent, &c. without his Knowledge, in which Case such Agent, &c. to be liable.

against this Act has been proved to have been committed, and for which a pecuniary Penalty may be imposed, shall in every Case be deemed to have committed the Offence, and shall be liable to pay the Penalty, unless he shall prove to the Satisfaction of the Court before which any Action shall be brought for the Recovery of such Penalty that he has used due Diligence to comply with and to enforce the Execution of this Act, and that the Offence in question was committed by some Agent, Servant, or Workman, whom he shall charge by Name as the actual Offender, without his Knowledge, Consent, or Connivance, in which Case such Agent, Servant, or Workman shall be liable to and may be sued for the Payment of the Penalty, and of the Costs of all Proceedings which may be taken for the Recovery thereof, either against himself or against the Owner under this Act; provided that it shall be lawful for the Inspector to proceed in the first instance against the Person whom he shall believe to be the actual Offender, without first proceeding against the Owner, in any Case in which it shall be made to appear to the Satisfaction of such Inspector that the Owner has used all due Diligence to comply with and to enforce the Execution of this Act, and that the Offence has been committed by the Person whom he may charge therewith without the Knowledge, Consent, or Connivance of the Owner, and in contravention of his Orders.

As to the Registration of Alkali Works.

VI. No Alkali Work shall at any Time after the Expiration of Three Months after the Appointment of the Inspector be carried on or prosecuted until such Work has been registered by the Owner with the Inspector. In every Register hereby required to be made there shall be inserted the Name in full of the Owner, and of the Parish or Township in which the Work is situate, and within One Month after change of Ownership in any such Work the Register of such Work shall be amended by inserting the Name of the new Owner; and if any Alkali Work is carried on in contravention of this Section, the Owner thereof shall, on Conviction, be deemed to be guilty of an Offence against this Act, and shall be subject to a Penalty not exceeding Five Pounds for every Day during which such Work shall have been so carried on.

Inspectors.

Appointment of Inspectors.

VII. For the Purpose of carrying into effect the Provisions of this Act, the Board of Trade may from Time to Time appoint any fit and proper Person to be Inspector of Alkali Works under this Act, and may from Time to Time remove any Inspector

spector so appointed, and appoint another Person in his Place. The Board of Trade may also, on Application of the Inspector, from Time to Time appoint and remove such Sub-Inspector or Sub-Inspectors as the said Board may deem necessary for the Purpose of carrying this Act into effect. Notice of the Appointment of such Inspector and Sub-Inspectors shall be published in the *London Gazette*, and a Copy of the Gazette shall be Evidence of the Appointment made.

What Persons disqualified from acting as Inspector.

VIII. No Person either directly or indirectly acting or practising as a Land Agent, or directly or indirectly engaged in any Manufacture, or interested in any Patent in or according to which the Decomposition of Salt or the Condensation of Muriatic Acid Gas may be effected, shall act as an Inspector or Sub-Inspector under this Act.

Duties and Powers of Inspector.

IX. It shall be the Duty of every Inspector under this Act to ascertain from Time to Time that all the Alkali Works are carried on in conformity with the Provisions of this Act, and to enforce the said Provisions, and to cause Notice to be given to every Owner whose Work shall be carried on in contravention of this Act of the Commission of such Offence as soon as conveniently may be after the Commission thereof; and with a view to the Performance of that Duty he or any Sub-Inspector may at all reasonable Times, by Day and by Night, without giving previous Notice, but so as not to interrupt the Process of the Manufacture, enter upon and inspect any Alkali Work, and examine into the Efficiency of the Condensing Apparatus, and the Quantity of Muriatic Acid Gas condensed, and generally into all Matters and Works tending to show Compliance or Non-Compliance with the Provisions of this Act. And the Owner of such Works, upon demand of the Inspector, shall within a reasonable Time furnish him with a Plan, to be kept secret by such Inspector, of those Parts of such Works in which the Decomposition of Salt or other Process causing the Evolution of Muriatic Acid Gas or the Condensation thereof is carried on.

It shall be lawful for the Inspector or any Sub-Inspector under his Direction, but so as not to interfere with the Process of the Manufacture, to apply any Tests or make any Experiments he may think proper for the Purpose of ascertaining the Efficiency of the Condensing Apparatus, or the Quantity of Gas condensed; and the Owner or Agent of the Works shall be deemed to be guilty of an Offence against this Act unless he renders to the said Inspector or Sub-Inspector all necessary Facilities for their Entry, Examination, and Testing.

Salaries of Inspectors and Sub-Inspectors.

X. Every Inspector and Sub-Inspector appointed under this Act shall be paid such Salary as may be determined by the Board

Board of Trade, with the Consent of the Commissioners of Her Majesty's Treasury.

General Penalties on Violation of Act.

XI. Every Person who wilfully obstructs any Inspector or Sub-Inspector in the Execution of this Act, and every Owner of any Alkali Work who refuses or neglects to afford to the Inspector or Sub-Inspector the Facilities necessary for making any Entry, Inspection, Examination, or Testing under this Act, or who neglects or wilfully violates any Provision of this Act, for the Neglect or Violation of which no other Penalty is by this Act imposed, shall be guilty of an Offence within the Meaning of this Act, and shall for every such Offence incur a Penalty not exceeding Ten Pounds.

Inspector to report to Parliament.

XII. The Inspector shall, on or before the First Day of *March* in every Year, make a Report in Writing to the Board of Trade of his Proceedings during the preceding Year, and a Copy of such Report shall be laid before both Houses of Parliament.

Special Rules.

Power to Owners of Works to make Special Rules.

XIII. The Owner of any Alkali Work may, with the Sanction of the Board of Trade, make, alter, or repeal Special Rules for the Guidance of such of his Workmen as are employed in any Process causing the Evolution of Muriatic Acid Gas, or whose Duty it is to attend to the Apparatus used in the Condensation of that Gas, and may annex Penalties to any Violation of such Rules, so that no Penalty exceeds Two Pounds for any One Offence.

A printed Copy of the Special Rules in force in any Alkali Work shall be given by the Owner of the Work to every Person working or employed in or about that Work affected thereby.

Penalties.

As to Recovery of Penalties in England for other than Offences against a Special Rule.

XIV. The following Regulations shall be enacted with respect to the Recovery in *England* of Penalties for Offences other than Offences against a Special Rule:

Every such Penalty shall be recovered by Action in the County Court having Jurisdiction in the District in which the Alkali Works are situate in respect of which the Penalty arises:

The Action shall be brought, with the Sanction of the Board of Trade, by the Inspector appointed under this Act, within Three Months after the Commission of the Offence, and for the Purposes of such Action the Penalty shall be deemed to be a Debt due to such Inspector:

The

The Plaintiff in any Action for a Penalty under this Act shall be presumed to be the Inspector appointed under this Act, until the contrary is proved by the Defendant:

The Court may, upon the Application of either Party, appoint a Person to take down in Writing the Evidence of the Witnesses, and may award to that Person such Compensation as the Court thinks just:

The Amount of Compensation awarded by the Judge shall be deemed to be Costs in the Cause:

If either Party in any Action for a Penalty under this Act feels aggrieved by the Decision of the Court in Point of Law, or on the Merits, or in respect of the Admission or Rejection of any Evidence, he may appeal from that Decision to any of the Superior Courts of Common Law at *Westminster:*

The Appeal shall be in the Form of a Special Case to be agreed upon by both Parties or their Attornies, and if they cannot agree, to be settled by the Judge of the County Court upon the Application of the Parties or their Attornies:

The Court of Appeal may draw any Inferences from the Facts stated in the Case that a Jury might draw from Facts stated by Witnesses:

Subject to the Provisions of this Section, all the Enactments, Rules, and Orders relating to Proceedings in Actions in County Courts, and to enforcing Judgments in County Courts, and Appeals from Decisions of the County Court Judges, and to the Conditions of such Appeals, and to the Power of the Superior Courts on such Appeals, shall apply to an Action for a Penalty under this Act, and to an Appeal from such Action, in the same Manner as if such Action and Appeal related to a Matter within the ordinary Jurisdiction of the Court:

Within the City of *London* and the Liberties thereof the Sheriffs Court, established by a Local Act passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Seventy-one, intituled *An Act for the more easy Recovery of Small Debts and Demands within the City of* London *and the Liberties thereof,* shall be deemed to be the County Court having Jurisdiction in the Case:

As to Recovery of general Penalties in Scotland.

XV. In *Scotland* any Offence under this Act, with the Exception of Offences against a Special Rule, shall be prosecuted at the Instance of the Inspector, with the Sanction of the Board of Trade, before the Sheriff or Sheriff Substitute of the County in which the Offence has been committed, and the Sheriff or Sheriff Substitute having Cognizance of such Offence may award

award Costs to either Party, and may sentence the Offender to Imprisonment for any Period not exceeding Six Months, unless the Penalty and Costs be previously paid; and any Decision or Sentence of such Sheriff or Sheriff Substitute shall be subject to Review and Appeal according to Law.

As to Recovery of general Penalties in Ireland.

XVI. In *Ireland* all Penalties incurred under this Act, with the Exception of Penalties against a Special Rule, may be recovered by Civil Bill at the Instance of the Inspector, with the Sanction of the Board of Trade, in the Manner and with the Appeal directed by an Act passed in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Fifty-seven, or any Act or Acts amending the Law relating to Civil Bills.

Application of Penalties.

XVII. All Penalties recovered under this Act, except in respect of Offences against a Special Rule, shall be paid into the Receipt of Her Majesty's Exchequer in such Manner as the Commissioners of the Treasury may determine.

As to Recovery of Penalties for Offences against Special Rule.

XVIII. All Penalties incurred under this Act in respect of any Offence against a Special Rule may be recovered summarily in *England* and *Ireland* before Two or more Justices; as to *England*, in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Forty-three, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders*, or any Act amending the same; as to *Ireland*, in manner directed by the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Ninety-three, intituled *An Act to consolidate and amend the Acts regulating the Proceedings of Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in* Ireland, or any Act amending the same; and in *Scotland*, before the Sheriff or Two Justices in manner directed by "The Railways Clauses Consolidation, *Scotland*, Act, 1845," with respect to Penalties imposed by that Act the Recovery of which is not otherwise provided for.

Term of Act.

XIX. This Act shall continue in force to the First Day of *July* One thousand eight hundred and sixty-eight, and no longer.

CAP. CXXV.

An Act for promoting the Revision of the Statute Law by repealing certain Enactments which have ceased to

to be in force or have become unnecessary.—[28*th* July 1863.]

§ 2. This Act shall extend to *England* only.

LOCAL

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

Passed in the FIFTH Session of the EIGHTEENTH Parliament of the United Kingdom of *Great Britain* and *Ireland.*

26° & 27° VICT.

i. AN Act for stopping up certain Streets and widening other Streets in the Borough of *Cambridge.*

ii. An Act to enable the *Mid-Wales* Railway Company to raise a further Sum of Money.

iii. An Act to grant further Powers to the *Berks and Hants Extension* Railway Company.

iv. An Act for repairing the Road from *Market Harborough* to *Loughborough* in the County of *Leicester;* and for other Purposes.

v. An Act for enabling the *London and North-western* and *Lancashire and Yorkshire* Railway Companies to raise further Monies for Purposes connected with the *North Union* Railway and the *Preston and Wyre* Railway, Harbour, and Dock; and for other Purposes.

vi. An Act for conferring further Powers on the *South Staffordshire* Railway Company with respect to their Undertaking; and for other Purposes.

vii. An Act to regulate the Mode of Valuation of certain underground Gas Pipes or Works in the City of *Glasgow,* for the Purpose of Assessments under "The *Glasgow* Police Act, 1862," in conformity with the Provisions of "The General Police and Improvement (*Scotland*) Act, 1862."

viii. An Act for lighting with Gas *Leyland* and *Farington,* and other Places in the Neighbourhood thereof, in *Lancashire.*

ix. An Act to enable the *Hereford, Hay, and Brecon* Railway Company to raise a further Sum of Money; and for other Purposes.

x. An Act to enable the *Caledonian* Railway Company to make

make a Deviation of their *Rutherglen and Coatbridge* Branch in the County of *Lanark;* and for other Purposes.

xi. An Act to enable the *Scarborough* Waterworks Company to raise further Sums of Money; and for other Purposes.

xii. An Act to enable the *Harrogate* Gas Company to raise additional Capital; to extend their Limits for supplying Gas; to repeal, amend, and extend the Act relating to the Company; and for other Purposes.

xiii. An Act to confer upon the Mayor, Aldermen, and Burgesses of the Borough of *Swansea* further Powers for the Improvement and Regulation of the Markets and Fairs in the said Borough, and also for commuting or disposing of certain Quayage and Town Dues now payable in the said Borough, and for the better Government and Regulation of the said Borough.

xiv. An Act to enable the *Glasgow and South-western* Railway Company to raise a further Sum of Money; and for other Purposes.

xv. An Act to enable the *Leeds* Gaslight Company to raise a further Sum of Money, to extend their Limits of Supply; and for other Purposes.

xvi. An Act to enable the Right Honourable *William* Earl of *Lonsdale* to make and maintain a Wet Dock at *Workington* in the County of *Cumberland*, and a Railway therefrom to join the *Whitehaven Junction* Railway, in lieu of the Dock or Tidal Basin and Railway authorized by "The *Workington* Dock Act, 1861;" and for other Purposes.

xvii. An Act for better supplying the Town of *Denbigh* and Neighbourhood thereof with Water, and for other Purposes.

xviii. An Act to incorporate the *North Bierley* Gaslight and Coke Company, Limited, and to make further Provision for lighting *North Bierley* and other Townships and Places in the Neighbourhood thereof with Gas.

xix. An Act to repeal an Act passed in the Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the more effectually repairing and maintaining the Turnpike Road from* Pant Evan *Brook in the County of* Flint *to* Abergele *in the County of* Denbigh, *and thence to* Conway *Ferry House in the County of* Carnarvon.

xx. An Act for enabling the *Vale of Llangollen* Railway Company to raise additional Capital; and for other Purposes.

xxi. An Act to reduce and regulate the Capital of the *Van Diemen's Land* Company.

xxii. An

xxii. An Act for providing a Cattle Market in the City of *Peterborough*, and for other Purposes.

xxiii. An Act to incorporate a Company for holding a Market and Fairs in the Town and Parish of *Aylesbury* in the County of *Buckingham;* and for other Purposes.

xxiv. An Act to enable the *Caledonian* Railway Company to make a Branch Railway from *Carstairs* to join the *Leadburn, Linton, and Dolphinton* Railway; and for other Purposes.

xxv. An Act for enabling the *Caledonian* Railway Company to widen and improve certain Portions of their *Lesmahagow* Branches; to make a Deviation and Extension in connexion therewith; to substitute Bridges for certain level Crossings on their Main Line and on the *Glasgow, Barrhead, and Neilson Direct* Railway; to alter certain Roads, improve and enlarge certain Stations and other Works, and acquire additional Lands; and for other Purposes.

xxvi. An Act for making a Railway from the *Glasgow, Barrhead, and Neilston Direct* Railway to *Busby*, with a Branch to *Busby* Print Works, in the Counties of *Renfrew* and *Lanark;* and for other Purposes.

xxvii. An Act for making a Turnpike Road from *Penzance* to *Saint Just* in *Penrith* in the County of *Cornwall*, with Branches, and for the Adoption, Alteration, and Improvement, for the Purposes thereof, of Certain public Highways; and for other Purposes.

xxviii. An Act to continue the *Cleeve and Evesham* Turnpike Trust in the County of *Gloucester*, and for other Purposes.

xxix. An Act to amend "The *Hamilton* Waterworks Act, 1854," and to authorize the raising of a further Sum of Money; and for other Purposes.

xxx. An Act for more effectually repairing and improving the several Roads comprised in the *Flint, Holywell*, and *Mostyn* Districts of Roads; and for reviving and extending the Powers for the Construction of certain new Roads; and for other Purposes.

xxxi. An Act to extend the Time for completing the *Cleveland* Railway; to authorize the *Cleveland* Railway Company to raise further Sums of Money, and the *West Hartlepool* Harbour and Railway Company to hold additional Shares; and for other Purposes.

xxxii. An Act to enable the *Inverness and Aberdeen Junction* Railway Company to extend their Railway from *Invergordon* in the County of *Ross* to *Tain* and *Bonar Bridge* in the same County; and for other Purposes.

xxxiii. An Act to enable the Local Board of Health for the District

District of *Rugby* in the County of *Warwick* to provide a better Supply of Water for the Inhabitants of that District and its Neighbourhood; and for other Purposes.

xxxiv. An Act for better supplying with Water the Towns of *Newcastle-upon-Tyne* and *Gateshead*, and the Neighbourhood thereof, and for amending and consolidating the Provisions of the Acts relating to the *Whittle Dean* Water Company.

xxxv. An Act for more effectually supplying Water to the Town of *Great Grimsby*, and several Places near thereto.

xxxvi. An Act to authorize the *Accrington* Gas and Water Works Company to extend their Gasworks and Waterworks, and their Limits of Supply; to raise additional Monies; and for other Purposes.

xxxvii. An Act to authorize the *Surrey Consumers* Gas Company to raise a further Sum of Money.

xxxviii. An Act for more completely merging in the Undertaking of the *Caledonian* Railway Company the Railways known as the *Granton* Branches, and for raising Money to widen and improve the same, and for other Purposes.

xxxix. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Desford* Turnpike Road, being the Road branching out of the *Leicester and Welford* Road at *Foston Lane* to the Road leading from *Hinckley* to *Ashby-de-la-Zouch* at *Osbaston* Toll Gate in the County of *Leicester*.

xl. An Act for enabling the *Newton and Machynlleth* Railway Company to raise additional Capital; and for other Purposes.

xli. An Act to amend the Acts relating to the *Nottingham* Gas Company, and to enable that Company to acquire additional Lands; and for other Purposes.

xlii. An Act for enabling the *Cockermouth and Workington* Railway Company to execute further Works; and for amending the Acts relating to their Railway.

xliii. An Act for making a Tramway in the Parish of *Portsea* in the County of *Southampton*, and for other Purposes.

xliv. An Act for extending the Limits within which the *Maidstone* Waterworks Company may supply Water, and for authorizing them to provide additional Works and to raise further Monies; and for other Purposes.

xlv. An Act for the Improvement of the Port and Harbour of *Dungarvan;* for vesting the Markets of that Town in the Town Commissioners of *Dungarvan*, and for enabling the said Commissioners to extend and regulate the same; for the Transfer from the Grand Jury of the County of *Waterford*

Waterford to the said Commissioners of the Management of the Roads and Bridges in the said Town; for the Improvement of the said Town; and for other Purposes.

xlvi. An Act to authorize the Construction of a new public Road from *Battersea* to *Clapham*, and for other Purposes.

xlvii. An Act for making an Extension of the *Greenock and Wemyss Bay* Railway in the County of *Renfrew*, and a Pier in connexion therewith, in lieu of the Pier authorized by "The *Greenock and Wemyss Bay* Railway Act, 1862," and for other Purposes.

xlviii. An Act for making further Provision for the Drainage of the *Marshland Smeeth* and *Fen* District in the Country of *Marshland* in the County of *Norfolk*, and for other Purposes.

xlix. An Act to amend the Acts relating to the *Wear* Navigation and *Sunderland* Docks, and to authorize the making of additional Works, and for other Purposes.

l. An Act for authorizing the *Cowes and Newport* Railway Company to raise further Monies.

li. An Act to continue the *Cheltenham* Turnpike Trust in the County of *Gloucester*, and for other Purposes.

lii. An Act for extending the District of the Local Board of Health for the District of *Sowerby Bridge* in the West Riding of the County of *York*; to enable them to contract for Water and supply the District therewith; to amend the Acts relating to the District; and for other Purposes.

liii. An Act for repairing the Road leading from *Burleigh Bridge* in *Loughborough* to *Ashby-de-la-Zouch* in the County of *Leicester*, and also the Road branching out of the said Road at *Coleorton* Church to *Rempstone* in the Counties of *Leicester* and *Nottingham*.

liv. An Act to enable the *Mersey* Docks and Harbour Board to extend the North River Wall at *Liverpool*, and to raise a further Sum of Money; and for other Purposes.

lv. An Act to incorporate the Mercantile Marine Service Association of *Liverpool*, and to enable them the better to carry on their beneficial Designs.

lvi. An Act to enable the *Cork and Kinsale Junction* Railway Company to raise additional Money, and to contribute to an Hotel at *Kinsale*; and for other Purposes.

lvii. An Act for more effectually lighting with Gas the Parishes of *Gravesend*, *Milton*, and *Northfleet*, in the County of *Kent*.

lviii. An Act for the Amalgamation of the *Perth and Dunkeld* Railway Company with the *Inverness and Perth Junction* Railway Company.

lix. An

lix. An Act to continue the *Abergavenny* Turnpike Trust, excepting certain Roads, and for other Purposes.

lx. An Act to enable the *Bristol and Exeter* Railway Company to purchase additional Lands, and raise further Sums of Money; to confer Powers with respect to the *West Somerset* and *Chard and Taunton* Railways, and other Undertakings; to alter Rates and Charges; to amend the Acts relating to the Company; and for other Purposes.

lxi. An Act to enable the *Inverness and Perth Junction* Railway Company to make Deviations of their authorized Line of Railway, and for other Purposes.

lxii. An Act to authorize the Mayor and Commonalty and Citizens of the City of *London* to rebuild *Blackfriars Bridge*.

lxiii. An Act for the making and maintaining of a Bridge over the River *Mersey*, to be called "*Rixton and Warburton Bridge*," with Roads thereto, and for other Purposes.

lxiv. An Act to enable the *Whitehaven, Cleator, and Egremont* Railway Company to extend their Railway from *Lamplugh* to join the *Cockermouth and Workington* Railway in the County of *Cumberland;* to divert and alter a Portion of the *Frizington Branch* Railway at *Cleator Moor;* to raise further Capital; and for other Purposes.

lxv. An Act for making a Railway from *Fochabers* to *Garmouth*, and for other Purposes.

lxvi. An Act for the Regulation and Management of certain Railways between *Seaham* and *Sunderland* in the County of *Durham*, the Construction of additional Railways in connexion therewith, the Acquisition of the Lands over which the same are or are to be constructed, and for other Purposes.

lxvii. An Act for making a Railway from *Wareham* to *Swanage* in the County of *Dorset*, and for other Purposes.

lxviii. An Act for enabling the Mayor, Aldermen, and Citizens of the City of *Manchester* to construct new Works and acquire additional Lands in connexion with their Waterworks; to extend their Limits of Supply; to improve *Piccadilly* in *Manchester;* and for other Purposes.

lxix. An Act to authorize Arrangements between the *London, Tilbury, and Southend* Railway Company, and the Lessees of their Undertaking, and the *Eastern Counties* and *London and Blackwall* Railway Companies, with reference to the Lease and Working of the *London, Tilbury, and Southend* Railway; and for other Purposes.

lxx. An Act for enabling the *Southampton and Netley* Railway

way Company to make a Deviation of their authorized Line of Railway; and for other Purposes.

lxxi. An Act for the better Regulation of the Commons of the Manor of *Rusthall*, and the Rights therein of the Freehold Tenants of the Manor, and for other Purposes.

lxxii. An Act for the Improvement of *Pembroke* Township, comprising *Baggotrath*, *Donnybrook*, *Sandymount*, *Ringsend*, and *Irishtown*, in the Barony of *Dublin* and County of *Dublin*.

lxxiii. An Act for the Committal of Prisoners from the City and County of the City of *Exeter* to the Gaol and House of Correction for the County of *Devon;* and for the Sale and Disposal of the present Gaol and House of Correction for the City and County of the City of *Exeter* and the Land belonging thereto; and for other Purposes.

lxxiv. An Act for the construction by the *Midland* Railway Company of a new Line of Railway between *London* and *Bedford*, with Branches therefrom; and for other Purposes.

lxxv. An Act for a Lease of the Undertaking of the *Penarth* Harbour, Dock, and Railway Company to the *Taff Vale* Railway Company, and for other Purposes.

lxxvi. An Act to enable the Grand Jury of the County of *Mayo* to present and recover Arrears of Grand Jury Cess upon said County, and upon certain Baronies thereof, in order to the Payment of Sums due to Contractors and others.

lxxvii. An Act for enabling the *Central Wales Extension* Railway Company to raise additional Capital; to make working and other Agreements with the *London and North-western* Railway Company; and for other Purposes.

lxxviii. An Act to enable the Lord Mayor, Aldermen, and Burgesses of *Dublin* to abandon a Portion of the Works authorized by "The *Dublin* Corporation Waterworks Act, 1861," and to construct and maintain other Works; and for other Purposes.

lxxix. An Act for the Amalgamation of the *Knighton* and the *Central Wales* Railway Companies; for authorizing Arrangements between those Companies, or either of them, and the *London and North-western* Railway Company; and for other Purposes.

lxxx. An Act to enable the *Mid-Wales* Railway Company to make a Branch Railway from the *Mid-Wales* Railway in the Parish of *Saint Harmon* in the County of *Radnor* to the *Manchester and Milford* Railway in the Parish of *Llangurig* in the County of *Montgomery*, and to enable the

the said Company to use the *Brecon and Merthyr Junction* Railways; and for other Purposes.

lxxxi. An Act to confer further Powers for embanking and reclaiming from the Sea the Estuary or Back Strand of *Tramore* in the County of *Waterford;* and to amend "The *Tramore* Embankment Act, 1852," and "The *Tramore* Embankment Act, 1858."

lxxxii. An Act to empower the *Furness* Railway Company and the *Midland* Railway Company to construct a Railway to be called "The *Furness and Midland* Railway;" and for other Purposes.

lxxxiii. An Act for authorizing the *Saffron Walden* Railway Company to make and maintain Railways to the *Great Eastern* Railway at *Bartlow;* to raise further Monies; and for other Purposes.

lxxxiv. An Act for the Reclamation from the Sea of Waste Lands subject to be overflowed by the Tide near to *Horsey Island* on the Coast of *Essex.*

lxxxv. An Act to enable the *Bishops Waltham* Railway Company to increase their Capital; and for other Purposes.

lxxxvi. An Act to enable the *Dublin, Wicklow, and Wexford* Railway Company to purchase Lands in the City and County of *Dublin;* to construct a Branch Railway in the County of *Wicklow;* to raise additional Capital; and for other Purposes.

lxxxvii. An Act for authorizing the *Stockport* District Waterworks Company to acquire existing Waterworks within their District, and to raise further Monies; and for other Purposes.

lxxxviii. An Act to enable the *Ware, Hadham, and Buntingford* Railway Company to raise additional Capital; and for other Purposes.

lxxxix. An Act for vesting the Harbour of *Barrow* in the County Palatine of *Lancaster* in the *Furness* Railway Company; for enabling the said Company to construct a Dock and other Works at *Barrow,* and to raise further Capital; and for other Purposes.

xc. An Act for authorizing the Amalgamation of the Undertakings of divers Railway Companies with the Undertaking of the *London and South-western* Railway Company; and divers Arrangements between that Company and other Companies and Bodies; and for other Purposes.

xci. An Act for supplying with Gas the Villages of *Elsecar, Wentworth,* and *Hoyland,* and Parts adjacent, in the West Riding of the County of *York.*

xcii. An Act to authorize the Mayor, Aldermen, and Citizens of

of the City of *Coventry* in the County of *Warwick* to erect a Market House in the said City.

xciii. An Act for making better Provision for the Management and Relief of the Poor in the City of *Norwich* and County of the same City.

xciv. An Act for incorporating the *Skipton* Gaslight and Coke Company, and for conferring upon them further Powers for the Supply of Gas to the Township of *Skipton* and certain neighbouring Townships in the West Riding of the County of *York*.

xcv. An Act for authorizing the *Stourbridge* Railway Company to raise further Monies; and for other Purposes.

xcvi. An Act for authorizing the *Oswestry and Newtown* Railway Company to make a Branch to *Aberbechan*, and to raise additional Capital; and for other Purposes.

xcvii. An Act to authorize the *Shrewsbury and Welchpool* Railway Company to raise a further Sum of Money; and for other Purposes.

xcviii. An Act to repeal an Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for repairing, altering, and improving the Roads from* Ashbourne *to* Sudbury, *and from* Sudbury *to* Yoxall Bridge, *and from* Hatton Moor *to* Tutbury, *and from* Uttoxeter *to or near the Village of* Draycott-in-the-Clay, *and from* Hadley Plain *on the late Forest or Chase of* Needwood *to* Callingwood Plain *on the same late Forest or Chase;* and to make other Provisions in lieu thereof.

xcix. An Act with respect to the Capital of the *Cork and Youghal* Railway Company, and to enable that Company to transfer their Undertaking.

c. An Act for the Improvement by the *Coleraine* Town Commissioners of the Navigation of the River *Bann;* and for other Purposes.

ci. An Act to authorize Arrangements between the Vestry and Guardians of the Poor of the Parish of *Saint Luke* in the County of *Middlesex* for the Erection and Use of a Vestry Hall and Offices, to amend the Acts relating to such Workhouse and Parish, and for other Purposes.

cii. An Act for authorizing the Company of Proprietors of the *Southampton and Itchen* Floating Bridge and Roads to improve their present Works, and to establish a new Floating Jetty, and to raise further Monies; and for other Purposes.

ciii. An Act to confer further Powers upon the *Llanelly* Railway and Dock Company.

civ. An Act to enable the *Buckley* Railway Company to raise a further Sum of Money; and for other Purposes.

cv. An

cv. An Act to enable the *Launceston and South Devon* Railway Company to make a Deviation of their authorized Line of Railway; and for other Purposes.

cvi. An Act to confer further Powers upon the *Birkenhead* Improvement Commissioners, and to make Provisions with respect to their Mortgage Debts and to enable them to raise further Monies; and for other Purposes.

cvii. An Act to authorize the Construction of a Pier at *Portbury* in the County of *Somerset*, and of a Railway therefrom to the *Bristol and Exeter* Railway near *Bristol*, with a Branch Railway to *Portishead;* and for other Purposes.

cviii. An Act to confer further Powers on the *Cockermouth, Keswick, and Penrith* Railway Company in relation to their Undertaking; to enable the *London and North-western* and the *Stockton and Darlington* Railway Companies to subscribe thereto; and for other Purposes relating thereto, and to the *Cockermouth and Workington* Railway.

cix. An Act for authorizing the making and maintaining of Lines of Railway to connect the *Andover and Redbridge* Railway with the *London and South-western* Railway; and for the Amalgamation of the *Andover and Redbridge* Railway with the *London and South-western* Railway; and for other Purposes.

cx. An Act to incorporate a Company for making a Railway from the *London and North-western* Railway to *Newport Pagnell*, with Powers to purchase the *Newport Pagnell* Canal.

cxi. An Act to authorize the Construction of Docks at *Tranmere Pool* in the County of *Chester*.

cxii. An Act to incorporate the *Great Yarmouth* Gas Company, and make further Provision for lighting the Town of *Great Yarmouth* and certain neighbouring Places with Gas.

cxiii. An Act for the Amalgamation of the *West Midland* Railway Company with the *Great Western* Railway Company; and for other Purposes.

cxiv. An Act for making a Railway from the *Ashchurch and Evesham* Railway of the *Midland* Railway Company, in the Parish of *Saint Lawrence, Evesham*, in the County of *Worcester*, to the *Redditch* Railway at *Redditch*, with a Branch to the *West Midland* Railway; and for other Purposes.

cxv. An Act for regulating the Capital and Debenture Debt of the *Charing Cross* Railway Company; and for authorizing the Amalgamation of that Company with the *South-eastern* Railway Company; and for other Purposes.

cxvi. An

cxvi. An Act to alter the Line of the *Letterkenny* Railway in the County of *Donegal;* to extend and enlarge the Powers of the Act relating to that Railway; and to authorize certain Arrangements with the *Londonderry and Lough Swilly* Railway Company; and for other Purposes.

cxvii. An Act for enabling the Local Board of Health for the District of *Rotherham* and *Kimberworth* in the West Riding of the County of *York* to construct and maintain an improved System of Waterworks for the Supply of the District and adjacent Places with Water; and for enabling the Board to purchase the existing Markets and Fairs within the District, and to establish new Markets and Fairs within the District, and to purchase and extinguish Dues and Duties paid and collected within the Town of *Rotherham;* and for amending Acts relating to the District; and for other Purposes.

cxviii. An Act for making a Railway from the *London and South-western* Railway to *Seaton*, otherwise *Seaton-with-Beer*, in the County of *Devon;* and for other Purposes.

cxix. An Act for the Consolidation of the Acts relating to the Port and Harbour of the Town and County of *Southampton*, and of the Acts relating to the *Southampton* Pier, and for constituting One united Body or Harbour Board for such Port, Harbour, and Pier, with further Powers.

cxx. An Act for the Amalgamation of the *Swansea and Neath* Railway Company with the *Vale of Neath* Railway Company, and for authorizing the *Vale of Neath* Railway Company to make a further Line of Railway, and to raise further Monies; and for other Purposes.

cxxi. An Act for the Improvement of *Blackrock*, *Monkstown*, and *Booterstown* in the Baronies of *Dublin* and *Rathdown* and County of *Dublin*.

cxxii. An Act for the Amalgamation of the *Stockton and Darlington* Railway Company with the *North-eastern* Railway Company; and for other Purposes.

cxxiii. An Act to grant further Powers to the *Belfast, Holywood, and Bangor* Railway Company, and to extend the Time for the Completion of their Undertaking; to authorize Contributions towards a Quay and other Works at *Bangor;* and for other Purposes.

cxxiv. An Act to enable the *Devon Valley* Railway Company to create Preference Shares; to reduce the Capital of the Company; and for other Purposes.

cxxv. An Act to create a further Term in so much of the *Newcastle-upon-Tyne and Carlisle* Turnpike Road as is within the County of *Northumberland;* to repeal, amend, and extend

tend the Powers of the Act relating to the said Road; and for other Purposes.

cxxvi. An Act to enable the *Merthyr, Tredegar, and Abergavenny* Railway Company to raise an additional Sum of Money, and to execute further Works; and for other Purposes.

cxxvii. An Act to authorize the *Leominster and Kington* Railway Company to enter into Working Arrangements with, and to lease or sell their Railway to the *West Midland* Railway; and for other Purposes.

cxxviii. An Act to authorize the Construction of a Railway in the County of *Anglesey*, to be called "The *Anglesey Central* Railway;" and for other Purposes.

cxxix. An Act for authorizing the *Okehampton* Railway Company to extend their Railway from *Okehampton* to the *Launceston and South Devon* Railway near *Lidford*, and to raise further Monies; and for other Purposes.

cxxx. An Act to enable the *Dulas Valley Mineral* Railway Company to deviate Portions of their authorized Line; to make a Railway to *Brecon;* to change the Name of the Company; and for other Purposes.

cxxxi. An Act to grant further Powers to the *Watford and Rickmansworth* Railway Company.

cxxxii. An Act for making a Railway from the *Bristol and Birmingham* Line of the *Midland* Railway at *Stonehouse* to *Nailsworth* in the County of *Gloucester*.

cxxxiii. An Act to extend the Time for the Completion of the *Athenry and Ennis Junction* Railway; and for other Purposes.

cxxxiv. An Act to empower the *Ringwood, Christchurch, and Bournemouth* Railway Company to extend their Railway to *Bournemouth;* and for other Purposes.

cxxxv. An Act to extend the Term and amend the Provisions of the Act relating to the Turnpike Road from *Wakefield to Aberford* in the County of *York*.

cxxxvi. An Act to grant further Powers to the *West Midland* Railway Company, and to enable them to make a Branch Railway in the County of *Glamorgan;* and for other Purposes.

cxxxvii. An Act to enable the *London, Brighton, and South Coast* Railway Company to make a Railway from *Dorking* to *Leatherhead;* and for other Purposes.

cxxxviii. An Act to authorize the *Mid-Kent* Railway Company to raise a further Sum of Money.

cxxxix. An Act to authorize the Construction of Railways in *Glamorganshire*, to be called "The *Ogmore Valley* Railways."

cxl. An

cxl. An Act to alter and amend the Acts relating to the Lands Improvement Company.

cxli. An Act for authorizing the *Aberystwith and Welsh Coast* Railway Company to make and maintain further Lines of Railway and other Works, and to make Arrangements with other Companies, and to raise further Monies; and for other Purposes.

cxlii. An Act to enable the *London, Brighton, and South Coast* Railway Company to make Extensions and Alterations of their Railways authorized by "The *London, Brighton, and South Coast* Railway (New Lines) Act, 1862," and other Works; and for other Purposes.

cxliii. An Act to authorize the *Tendring Hundred* Railway Company to extend their Railway to *Weeley* and *Walton* in *Essex*.

cxliv. An Act to enable the *Tees* Conservancy Commissioners to purchase additional Lands; to alter existing and impose new Tolls, Rates, and Duties; to confer additional Powers for raising Money; to repeal and amend the existing Acts of the Commissioners; to confer additional Powers; and for other Purposes.

cxlv. An Act to enable the *West Shropshire Mineral* Railway Company to make a Deviation and a new Railway, and to make Agreements with other Companies; and for other Purposes.

cxlvi. An Act to enable the *South Yorkshire* Railway and River *Dun* Company to alter their authorized Line; to purchase the *Barnsley Coal* Railway; and for other Purposes relating to the same Company.

cxlvii. An Act to grant to the *Great Northern* Railway Company certain Powers with respect to the *Stockport and Woodley Junction, Cheshire Midland, Stockport, Timperley, and Altrincham Junction, West Cheshire,* and *Manchester South Junction and Altrincham* Railways; and for other Purposes.

cxlviii. An Act to enable the *Glasgow and South-western* Railway Company to use the Railway of the *Ayr and Maybole Junction* Railway Company; and for other Purposes relating to that Railway.

cxlix. An Act to enable the *Scottish Central* Railway Company to make Branches to *Plean* Mineral Fields; and for other Purposes.

cl. An Act to repeal an Act passed in the Seventh and Eight Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and improving the Road from* Standedge *in* Saddleworth *in the County*

County of York *to* Oldham *in the County of* Lancaster, *and other Roads in the said County of* York, *and for making and maintaining Two new Branches to communicate therewith,* and granting more effectual Powers in lieu thereof; and for other Purposes.

cli. An Act for enabling the *Great Western* Railway Company to construct a Railway from their *Birmingham, Wolverhampton,* and *Dudley* Line in the Parish of *West Bromwich* to the *South Staffordshire* Railway in the Parish of *Tipton* in the County of *Stafford;* and for other Purposes.

clii. An Act for making a Railway from the *London and North-western* Railway at *Boxmoor* to *Hemel Hempsted* in the County of *Hertford;* and for other Purposes.

cliii. An Act to grant further Powers to the *Portadown, Dungannon, and Omagh Junction* Railway Company; to amend the Acts relating to the Company; and for other Purposes.

cliv. An Act for Regulating the Debenture Debt and Capital of the *West Hartlepool* Harbour and Railway Company; and for other Purposes.

clv. An Act to repeal an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for repairing the Roads from the Borough of* Tamworth *in the Counties of* Stafford *and* Warwick *to the Town of* Ashby-de-la-Zouch *in the County of* Leicester, *and from* Harrington Bridge (*heretofore* Sawley Ferry) *in the said County of* Leicester *to a Turnpike Gate at or near the End of* Swarcliffe Lane *leading to* Ashby-de-la-Zouch *aforesaid;* and for granting more effectual Powers in lieu thereof.

clvi. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the Road from the Bottom of *Kirkgate* to the Bottom of *Westgate,* both in the Parish of *Wakefield* in the West Riding of the County of *York,* and to make other Provisions in lieu thereof.

clvii. An Act to enable the *Glasgow and South-western* Railway Company to make a Junction Line of Railway to connect the *Glasgow and Paisley* Joint Line of Railway with the *Paisley and Renfrew* Railway and other Works; and for other Purposes.

clviii. An Act to authorize the *North Staffordshire* Railway Company to make certain Railways at *Burton-upon-Trent,* and from their Railway at *Burslem* to their Railway at *Cheddleton,* and to acquire Station Lands at *Burton* and *Uttoxeter;* and for other Purposes.

clix. An Act for incorporating "The *Teign Valley* Railway Company,"

Company," and for authorizing them to make and maintain "The *Teign Valley* Railway;" and for other Purposes.

clx. An Act to authorize the Construction of a Railway from the *Midland Great Western* Railway of *Ireland* to the Town of *Ballaghaderreen;* and for other Purposes.

clxi. An Act for enabling the *Law* Life Assurance Society to sue and be sued in their own Name; and for making further Provision with respect to the Investment of their Monies; and for other Purposes.

clxii. An Act to enable the *Galway* Town Improvement Commissioners to construct Waterworks, and obtain a Supply of Water for the Town of *Galway;* and for other Purposes.

clxiii. An Act to revive the Powers for the Purchase of Lands, and to extend the Time for the Completion of Works, authorized by "The *Milford Haven* Dock and Railway Act, 1860;" and for other Purposes.

clxiv. An Act to authorize the *Great North of Scotland* Railway Company to construct a Railway to connect their Railway with the *Scottish North-eastern* Railway at *Aberdeen.*

clxv. An Act to enable the *Metropolitan* Railway Company to acquire certain additional Lands for the Purposes of their Undertaking; and for other Purposes.

clxvi. An Act to enable the *Carmarthen and Cardigan* Railway Company to extend their Railway from *Newcastle-Emlyn* to *Cardigan.*

clxvii. An Act to enable the *Bradford, Wakefield, and Leeds* Railway Company to make a Railway to *Methley* in the West Riding of the County of *York;* and for other Purposes.

clxviii. An Act for making a Railway from the *Great Western* Railway at *Radstock* to *Bristol,* together with Branches therefrom to *Camerton* and other Places; and for other Purposes.

clxix. An Act for extending the Limits within which the *Lowestoft* Water, Gas, and Market Company may supply Water and Gas, and for authorizing them to raise further Monies; and for other Purposes.

clxx. An Act for extending the *Banff, Portsoy, and Strathisla* Railway to *Portgordon;* and for other Purposes.

clxxi. An Act for making a Railway from the *Aberdare* Railway in the Parish of *Aberdare* in the County of *Glamorgan,* with a Branch therefrom, to be called "The *Dare Valley* Railway;" and for other Purposes.

clxxii. An Act to authorize the *Hammersmith and City* Railway

way Company to make another Junction with the *Great Western* Railway; and for other Purposes.

clxxiii. An Act to extend the Time for making the *Uxbridge and Rickmansworth* Railway.

clxxiv. An Act for incorporating a Company for making a Railway in the Counties of *Warwick, Stafford,* and in the City and County of the City of *Lichfield,* to be called "The *Birmingham and Sutton Coldfield Extension* Railway;" and for other Purposes.

clxxv. An Act to authorize the Construction of a Tramroad from the *South-eastern* Railway at *Hastings* to *Hastings* Harbour.

clxxvi. An Act to provide additional Powers for the Completion of certain Approach Roads to *Wexford Free Bridge;* and for other Purposes.

clxxvii. An Act to empower the *London and North-western* Railway Company to make new Branch Railways, and to abandon Part of the *Chelford and Knutsford* Line of their Railway; and for other Purposes.

clxxviii. An Act for making a Railway from the *Great Eastern* Railway at *Mistley* to *Walton-on-the-Naze* in the County of *Essex;* and for other Purposes.

clxxix. An Act to enable the *Bala and Dolgelley* Railway Company to construct additional Works at *Dolgelley* in the County of *Merioneth;* to amend the Acts relating to the Company; and to authorize certain Arrangements with the *Aberystwith and Welsh Coast* Railway Company; and for other Purposes.

clxxx. An Act for incorporating the *Frieston* Reclamation Company; and for authorizing them to reclaim certain Lands in the Estuary of the *Wash;* and for other Purposes.

clxxxi. An Act for authorizing the *Madras* Irrigation and Canal Company to keep separate Accounts; and for other Purposes.

clxxxii. An Act for the Construction by the *Midland* Railway Company of a new Railway in the City of *Bristol;* and for other Purposes.

clxxxiii. An Act for enabling the *Midland* Railway Company to construct new Railways and Works, and to acquire additional Lands in the West Riding of the County of *York,* and in the Counties of *Derby, Warwick, Leicester, Gloucester,* the City of *Worcester, Nottingham,* the Town of *Nottingham,* and *Northampton;* and for other Purposes.

clxxxiv. An Act to enable "The Trustees of *Newhaven* Harbour and *Ouse* Lower Navigation" to form a new Cut for

diverting the Channel of the River *Ouse*, and to construct a Road, Tramway, and other Works for the Improvement of the said Harbour and Navigation; and for other Purposes.

clxxxv. An Act for making Railways from the *Worcester* and *Hereford* Line of the *West Midland* Railway Company through the *Forest of Dean* to the *Coleford, Monmouth, Usk, and Pontypool* Railway; and for other Purposes.

clxxxvi. An Act to enable the *Colne Valley and Halstead* Railway Company to increase their Capital, to use Part of the *Great Eastern* Railway at *Haverhill;* and for other Purposes with respect to the same Company.

clxxxvii. An Act to authorize the *Edinburgh* Water Company to introduce an additional Supply of Water to the City of *Edinburgh* and Town and Port of *Leith* and Places adjacent; and for other Purposes.

clxxxviii. An Act to enable the *Banff, Macduff, and Turriff Extension* Railway Company to extend their Railway from the Bridge of *Banff* to the Harbour of *Macduff;* and for other Purposes.

clxxxix. An Act to authorize the *Formartine and Buchan* Railway Company to abandon the authorized Extension to *Fraserburgh*, and to make another Line instead thereof; also to make a new Road in connexion with the *Peterhead* Extension; and for other Purposes.

cxc. An Act to amend "The *Great Eastern* Railway Act, 1862," and to confer Powers in reference to the Undertakings of the *Great Eastern*, the *Waveney Valley*, the *Lynn and Hunstanton*, and the *Bishop Stortford, Dunmow, and Braintree* Railways; and for other Purposes.

cxci. An Act to enable the *Great Northern* Railway Company to extend their Railway from *Spalding* to the *Great Eastern* Railway at *March* in *Cambridgeshire*.

cxcii. An Act to enable the *London, Brighton, and South Coast* Railway Company to make a new Line of Railway at *Croydon*, and a Tramway at *Newhaven;* to acquire additional Lands; and for other Purposes.

cxciii. An Act to amend "The *Lynn and Sutton Bridge* Railway Act, 1861."

cxciv. An Act to authorize the *North British* Railway Company to raise more Money; and an Amalgamation with them of the *Wansbeck* Railway Company; and for other Purposes.

cxcv. An Act for making a Railway from a Point near to *Eskbank* Station on the Line of the *Hawick* Branch of the *North*

North British Railway to *Springfield* in the Parish of *Lasswade* and County of *Edinburgh*, to be called "The *Esk Valley* Railway;" and for other Purposes.

cxcvi. An Act to enable the *Brecon and Merthyr Tydfil Junction* Railway Company to make a Deviation from the Line of Railway first authorized by "The *Brecon and Merthyr* Railway Act, 1862," and to improve the Access to their *Brecon* Station; and for other Purposes.

cxcvii. An Act for making and maintaining Bridges over the River *Thames* at *Hampton* and *Shepperton;* and for other Purposes.

cxcviii. An Act for the Amalgamation of the *South Wales* Railway Company with the *Great Western* and *West Midland* Railway Companies; and for other Purposes.

cxcix. An Act for incorporating a Company, and for making and maintaining the *Ely Valley Extension* Railway; and for other Purposes.

cc. An Act to revive the Powers for the Purchase of Land, and for the Completion of the *Milford* Railway, and to raise further Capital, and to authorize Agreements with other Companies; and for other Purposes.

cci. An Act for making a Railway from *Defynnock* to *Llandovery;* and for other Purposes.

ccii. An Act for making a Railway to complete the Connexion between the *Brecon and Merthyr Tydfil Junction* Railway and the *Rumney* Railway; for enabling the *Brecon and Merthyr Tydfil Junction* Railway Company to acquire the *Rumney* Railway; for facilitating the Transmission of Traffic over, from, and at the *Rhymney* Railway; and for other Purposes.

cciii. An Act to enable the *Kettering and Thrapstone* Railway Company to extend their authorized Line of Railway to *Huntingdon*, with a Branch Railway at *Huntingdon;* to change their Name; to authorize them to use certain Stations and Portions of Railway of the *Great Eastern* Railway Company and the *Great Northern* Railway Company; and to make Traffic Arrangements with the *Midland* Railway Company and the *Great Northern* Railway Company; and for other Purposes.

cciv. An Act to enable the *London, Chatham, and Dover* Railway Company to extend their Railway to *Greenwich;* to improve the Communication with the *Victoria* Station; and to execute certain other Works in connexion with their Undertaking.

ccv. An Act for authorizing the *Tottenham and Hampstead Junction*

Junction Railway Company to make and maintain an additional Line of Railway, and to raise further Monies; and for other Purposes.

ccvi. An Act for the better Regulation of the Traffic in the Streets of the City of *London*, and for the Prevention of Obstructions therein.

ccvii. An Act for making and maintaining Railways from *Birkenhead* and *Poulton-cum-Seacombe* to *Hoylake* in the County of *Chester*.

ccviii. An Act for increasing the Capital of and conferring further Powers on the *West London Extension* Railway Company; amending their Acts; providing for the Dissolution of the *West London* Railway Company; and for other Purposes.

ccix. An Act for the Amalgamation of the *Hibernian* Mine Company with the *Wicklow* Copper Mine Company (Limited); and for other Purposes.

ccx. An Act to enable the *Morayshire* Railway Company to raise additional Capital; and for other Purposes.

ccxi. An Act to incorporate a Company for making a new Bridge from *Putney* to *Fulham*; and for other Purposes.

ccxii. An Act to amend the Act and enlarge the Powers of *Bonelli's* Electric Telegraph Company (Limited).

ccxiii. An Act to authorize the Construction of Railways and other Works for improving the Railway Communication between *Edinburgh* and *Perth viâ* the *Firth of Forth*; and for other Purposes.

ccxiv. An Act for more effectually making, maintaining, and keeping in repair the Roads, Highways, and Bridges within the Counties of *Elgin* and *Nairn*; and for other Purposes.

ccxv. An Act for repairing, amending, and maintaining the Public Roads and Bridges in the County of *Haddington*.

ccxvi. An Act for making a Railway from the Town of *Hadlow* in the County of *Kent* to the *Sevenoaks, Maidstone, and Tunbridge* Railway in the Parish of *Ightham* in the aforesaid County; and for other Purposes.

ccxvii. An Act for conferring additional Powers on the *London and North-western* Railway Company for the Construction of Works, and otherwise in relation to their own Undertaking and the Undertakings of other Companies; and for other Purposes.

ccxviii. An Act to enable the *London, Brighton, and South Coast* Railway Company to make new Lines of Railway to *Mitcham, Sutton,* and *Tooting,* in *Surrey,* and to connect the same with other Railways; and for other Purposes.

ccxix. An Act for authorizing the Construction of a Dock and

and Railways and other Works upon or near *Neyland Pill* at *Milford Haven* in the County of *Pembroke;* and for other Purposes.

ccxx. An Act to authorize the Construction of a Railway in the County of *Northampton,* to be called "The *Northampton and Banbury Junction* Railway;" and for other Purposes.

ccxxi. An Act to enable the *North-eastern* Railway Company to construct Branch Railways at *Newcastle-upon-Tyne* and *Starbeck;* and for other Purposes.

ccxxii. An Act for making a Railway from *Peterborough* to *Thorney, Wisbeach,* and *Sutton;* and for other Purposes.

ccxxiii. An Act to vest the Undertaking of the *Dundee and Perth and Aberdeen* Railway Junction Company, and their Interest in the *Dundee and Newtyle* Railway, in the *Scottish Central* Railway Company; and for other Purposes.

ccxxiv. An Act to enable the *Waterford and Passage* Railway Company to extend their Railway to the South-west Shore of the Estuary of the River *Suir* at *Passage,* and in connexion therewith to establish, make, and maintain Ferries on or across the said Estuary; and for other Purposes.

ccxxv. An Act to authorize the *Great Eastern* Railway Company to run Steam Vessels between *Harwich* and certain Foreign Ports.

ccxxvi. An Act to authorize the *North British* Railway Company to run Steam Vessels between *Port Carlisle* and *Silloth* and *Belfast.*

ccxxvii. An Act to confer further Powers on the *London, Brighton, and South Coast* Railway Company with reference to the widening and Improvement of the *Pimlico* Railway; and for other Purposes.

ccxxviii. An Act to incorporate a Company for constructing Docks, Warehouses, and other Works in the Parish of *Saint Mary, Battersea,* in the County of *Surrey.*

ccxxix. An Act to authorize the Construction of a Railway from *Newry* to *Carlingford Lough,* and of a Pier and other Works in connexion therewith.

ccxxx. An Act for making a Railway from the *West Cornwall* Railway at or near *Saint Erth* to the Town of *Saint Ives* in the County of *Cornwall;* and for other Purposes.

ccxxxi. An Act to unite and amalgamate the Undertaking of the *Dundee and Arbroath* Railway Company with the Undertaking of the *Scottish North-eastern* Railway Company, and to regulate the Management of and confer additional

additional Powers on the united Company; and for other Purposes.

ccxxxii. An Act for changing the Name of the *Isle of Wight Eastern Section* Railway Company, and for authorizing them to make and maintain Railways (the Central Lines) in Extension of their authorized Railways (the Eastern Lines), and to raise Monies for the Purpose, and to make Arrangements with other Companies; and for other Purposes.

ccxxxiii. An Act for making a Railway from the *Irish North-western* Railway at *Dundalk* to *Greenore* in the County of *Louth;* and for other Purposes.

ccxxxiv. An Act for incorporating a Company for making a Railway from the *Sidmouth* Railway, near *Tipton,* to *Budleigh-Salterton;* and for other Purposes.

ccxxxv. An Act for making Railways in the County of *Northumberland* from the *Wansbeck* Railway in the Parish of *Hartburn* to the Parish of *Ford,* and thence to the *Berwick and Kelso* Branch of the *North-eastern* Railway; and for other Purposes.

ccxxxvi. An Act to empower the *Irish North-western* Railway Company to extend their Railway along the Quays of *Dundalk;* and for other Purposes.

ccxxxvii. An Act to authorize the *Edinburgh and Glasgow* Railway Company to make a Railway to *South Queensferry,* with subsidiary Branches and Works; and for other Purposes.

ccxxxviii. An Act to enable the *North-eastern* Railway Company to construct a Railway from the *Hull and Selby* Railway at *Staddlethorpe* to the authorized Line of the *South Yorkshire* Railway near *Thorne,* with Two Branches therefrom; to raise additional Capital; and for other Purposes.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act to continue an Act for extending the Time during which the Trustees of the late Sir *Gilbert Stirling*

Stirling of *Mansfield,* Baronet, were authorized to purchase Lands to be entailed in the Terms declared by certain Trust Deeds executed by him; and for other Purposes.

2. An Act for making Provision with respect to the Interest of Sir *Henry Meux,* Baronet, in the Business of the *Horse Shoe* Brewery.
3. An Act to modify the Condition of Residence at *Haverholme Priory* contained in the Will of the late Sir *Jenison William Gordon,* Baronet, in so far as such Condition affects the present or any future Infant Tenant in Tail under the Limitations of the same Will.
4. An Act for a Re-settlement of Estates devised by the Will of the Right Honourable Sir *Arthur Ingram Aston* deceased.
5. An Act to amend "The *Fife* Estates Improvement Act, 1858"; to authorize the Exchange of the entailed Estate of *Ardgye* in the County of *Elgin* for the Lands of *Westerton* in the same County, to be entailed in lieu thereof; and for other Purposes.
6. An Act for enabling Agricultural Leases to be granted of the Estates called the *Bolton* Estates, entailed by an Act of the Twenty-seventh Year of the Reign of His Majesty King *Henry* the Eighth; and for enabling, with the Sanction of the Court of Chancery, the granting of Building and Mining and Improvement Leases, and for enabling the Partition and Sale of the same Estates.
7. An Act for the better Management of the Estates annexed to the Earldom of *Arundel;* and for the Sale of certain Parts of the same Estates, and for other Purposes, the Short Title whereof is "The *Arundel* Estate Act, 1863."
8. An Act for enlarging and extending the Powers given by "*Wyndham's* Estate Act, 1854," of or over divers Freehold, Copyhold, and Leasehold Estates devised by or subject to the Limitations of the Will of the Right Honourable *George Obrien* Earl of *Egremont* deceased.

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26° & 27° VICTORIÆ,

Showing whether they relate to the whole or to any Part of the United Kingdom, viz.

E. *signifies that the Act relates to* England (and Wales, if the Subject extends so far).

S.	,,	,,	,,	Scotland.
I.	,,	,,	,,	Ireland.
E. & I.	,,	,,	,,	England and Ireland.
G. B.	,,	,,	,,	Great Britain.
G. B. & I.		,,	,,	Great Britain and Ireland.
U. K.	,,	,,	,,	The whole of the United Kingdom.

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Church in the Colonies; to establish the Validity of Acts performed in Her Majesty's Possessions abroad by certain Clergymen ordained in Foreign Parts, and to extend the Powers of Colonial Legislatures with respect to such Clergymen	121.	U. K.
Circuits of the Judges; to enable Her Majesty in Council to make Alterations in the Circuits of the Judges	122.	E.
Clergymen. *See* Church.		
Coal and Wine Duties; for further continuing and appropriating the London Coal and Wine Duties [Holborn Hill Improvement]	46.	E.
Coggeshall. *See* Hitcham's Charity.		
Colonial Acts Confirmation; to confirm certain Acts of Colonial Legislatures	84.	U. K.
Colonial Clergy; to establish the Validity of Acts performed in Her Majesty's Possessions abroad by certain Clergymen ordained in Foreign Parts, and to extend the Powers of Colonial Legislatures with respect to such Clergymen	121.	U. K.
Colonial Letters Patent; to determine the Time at which Letters Patent shall take effect in the Colonies	76.	U. K.
Commissioners of Land Tax; to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes	101.	G. B.
Commissioners for Reduction of the National Debt. *See* Savings Banks.		
Commons Inclosure; to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales	18.	E.
—— to authorize the Inclosure of certain Lands in		

	Cap.	Relating to
pursuance of a Special Report of the Inclosure Commissioners	39.	E.
Companies, Acts relating to; for consolidating in One Act certain Provisions frequently inserted in Acts relating to the Constitution and Management of Companies incorporated for carrying on Undertakings of a public Nature	118.	G. B. & I.
Condensation of Muriatic Acid Gas. *See* Alkali Works.		
Consolidated Fund; to apply the Sum of £10,000,000 out of the Consolidated Fund to the Service of the Year 1863	6.	U. K.
——— to apply the Sum of £20,000,000 out of the Consolidated Fund to the Service of the Year 1863	15.	U. K.
——— to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year 1863, and to appropriate the Supplies granted in the Session of 1863	99.	U. K.
——— *See also* Public Works.		
Consolidation Clauses; for consolidating in One Act certain Provisions frequently inserted in Acts relating to Railways	92.	G. B. & I.
——— for consolidating in One Act certain Provisions frequently inserted in Acts relating to Waterworks	93.	G. B. & I.
——— for consolidating in One Act certain Provisions frequently inserted in Acts relating to the Constitution and Management of Companies incorporated for carrying on Undertakings of a public Nature	118.	G. B. & I.
Construction, &c. of Telegraphs; to regulate the Exercise of Powers under Special Acts for the Construction and Maintenance of Telegraphs	112.	U. K.
Contracts (Waywardens); to prevent Waywardens contracting for Works within their own District	61.	E.
Conveyance of Land; to further amend the Law relating to the Conveyance of Land for Charitable Uses	106.	E.
Cornwall, Duchy of; giving Power to sell and dispose of Lands, Parcel of the Possessions of the Duchy of Cornwall, and to purchase other Lands to be annexed thereto, and to regulate future Grants of Leases of the Possessions of the said Duchy; and for other Purposes	49.	E.
Corrupt Practices at Elections; to amend and continue the Law relating to Corrupt Practices at Elections of Members of Parliament	29.	G. B. & I.
County Justices; to amend the Law relating to the Jurisdiction of Justices residing or being out of the County for which they are Justices	77.	E.
Courts of the Church of Scotland; for Removing Doubts as to the Powers of the Courts of the Church of Scotland, and extending the Powers of the said Courts	47.	S.
Criminal Proceedings, Oaths in; to give Relief to Persons who may refuse or be unwilling, from alleged conscientious Motives, to be sworn in Criminal Proceedings in Scotland	85.	S.
Crops (Growing); to amend the Law relating to the Seizure of Growing Crops in Ireland	62.	I.
Croydon. *See* Local Government.		
Customs and Inland Revenue, to grant certain Duties of	22.	U. K.
——— for altering the Duties on Tobacco, and permitting the Manufacture of Cavendish and Negrohead in Bond	7.	U. K.
——— *See also* Excise. Inland Revenue.		
Dartmouth. *See* Piers and Harbours.		
Deal. *See* Piers and Harbours.		
Deaths; for the Registration of Births and Deaths in Ireland	11.	I.
Debenham. *See* Hitcham's Charity.		

	Cap.	Relating to
Denmark, Princess Alexandra of. *See* Prince and Princess of Wales.		
Desertion. *See* Mutiny.		
Dioceses of Canterbury, &c.; for carrying into effect the Report of the Commissioners appointed to inquire into the State of the Dioceses of Canterbury, London, Winchester, and Rochester; and for other Purposes . . .	36.	E.
Diseased Meat; to amend the Nuisances Removal Act for England, 1855, (18 & 19 Vict. c. 121.,) with respect to the Seizure of diseased and unwholesome Meat . .	117.	E.
Disembodied Militia. *See* Militia.		
Distress in Manufacturing Districts; to facilitate the Execution of Public Works in certain Manufacturing Districts; to authorize for that Purpose Advances of Public Money to a limited Amount upon Security of Local Rates; and to shorten the Period for the Adoption of the Local Government Act, 1858, (21 & 22 Vict., c. 98.,) in Certain Cases	70.	E.
——— *See also* Union Relief Aid.		
District Parochial Churches; to amend the Law relating to District Parochial Churches in Ireland . . .	123.	I.
Dockyards; to authorize further Harbour Regulations for the Protection of Her Majesty's Ships, Dockyards, and Naval Stations	30.	U. K.
——— *See also* Fortifications.		
Dogs; to render Owners of Dogs in Scotland liable in certain Cases for Injuries done by their Dogs to Sheep and Cattle	100.	S.
Dover, Port of. *See* Fortifications.		
Drainage and Improvement of Land; to enable Landed Proprietors to construct Works for the Drainage and Improvement of Lands in Ireland	88.	I.
——— to facilitate the Drainage of Land in Ireland . .	26.	I.
——— to confirm certain Provisional Orders under the Land Drainage Act, 1861, (24 & 25 Vict. c. 133.) . .	63.	E.
——— *See also* Mill Sites.		
Drainage of the Metropolis; to extend the Powers of the Act 21 & 22 Vict. c. 104. relating to the Main Drainage of the Metropolis	68.	E.
Duchy of Cornwall; giving Power to sell and dispose of Lands, Parcel of the Possessions of the Duchy of Cornwall, and to purchase other Lands to be annexed thereto, and to regulate future Grants of Leases of the Possessions of the said Duchy; and for other Purposes . . .	49.	E.
Duties, Rates, and Taxes. *See* Coal and Wine Duties. Customs and Inland Revenue. Excise Duty. Inland Revenue. Land Tax. Rum Duty. Tobacco Duties.		
Dyeing Works; to amend the Act 23 & 24 Vict. c. 78. for placing the Employment of Women, young Persons, and Children in Bleaching Works and Dyeing Works under the Regulations of the Factories Act . . .	38.	G. B. & I.
East India. *See* Mutiny.		
Elections, Parliamentary; to amend and continue the Law relating to Corrupt Practices at Elections of Members of Parliament	29.	G. B & I.
——— to further limit and define the Time for proceeding to Election during the Recess	20.	U. K.
Embankment of the Thames; for the embankment of Part of the River Thames, on the South Side thereof, in the Parish of Saint Mary, Lambeth, and for other Purposes .	75.	E.

	Cap.	Relating to
Embankment of the Thames; for making a new Street from Blackfriars to the Mansion House in the City of London in connexion with the Embankment of the River Thames on the Northern Side of that River; and for other purposes	45.	E.
Employment of the Poor. *See* Public Works and Fisheries.		
Employment of Women, &c. *See* Bleaching and Dyeing Works.		
Employment, &c., Qualifications for. *See* Indemnity.		
English Church Services in Wales; to empower the Bishops of Welsh Dioceses to facilitate the making Provision for English Services in certain Parishes in Wales	82.	W.
Establishment of the Prince and Princess of Wales. *See* Prince and Princess of Wales.		
Exchange, Bills of. *See* Bills of Exchange, &c.		
Exchequer Bonds; for raising the Sum of £1,000,000 by Exchequer Bonds for the Service of the Year 1863	16.	U. K.
Excise Duty; to extend the Credit for Payment of a Portion of the Excise Duty on Malt	3.	U. K.
——— *See also* Inland Revenue.		
Exhibition Medals; to prevent false Representations as to Grants of Medals or Certificates made by the Commissioners for the Exhibitions of 1851 and 1862	119.	U. K.
Exmouth. *See* Piers and Harbours.		
Expiring Laws Continuance; for continuing various expiring Acts	95.	G. B. & I.
Factories Acts. *See* Bleaching and Dyeing Works.		
Fish—Fisheries; to amend the Laws relating to Fisheries in Ireland	114.	I.
——— for prohibiting the Exportation of Salmon at certain Times	10.	G. B. & I.
——— to continue the Powers of the Commissioners under the Salmon Fisheries (Scotland) Act (25 & 26 Vict. c. 97.) until the First Day of January One thousand eight hundred and sixty-five, and to amend the said Act	50.	S.
——— *See also* Public Works and Fisheries.		
Fortifications; for providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of Dover and Portland, and of erecting a Central Arsenal	80.	G. B. & I.
Framlingham. *See* Hitcham's Charity.		
Game. *See* Hares, Sale of.		
Gardens in Towns; for the Protection of certain Garden or Ornamental Grounds in Cities and Boroughs	13.	E.
Gas (Muriatic Acid); for the more effectual Condensation of Muriatic Acid Gas in Alkali Works	124.	G. B. & I.
Gold Coin. *See* Sydney Branch Mint.		
Government of the Cayman Islands, for the	31.	U. K.
Government of British Columbia; to define the Boundaries of the Colony of British Columbia, and to continue the Act 21 & 22 Vict. c. 99, to provide for the Government of the said Colony	83.	U. K.
Grain and Seed (Poisoned), to prohibit the Sale and Use of	113.	G. B. & I.
Grants of Leases. *See* Duchy of Cornwall.		
Gratuitous Trustees; to explain the Act 24 & 25 Vict. c. 84. for the Amendment of the Law relative to gratuitous Trustees in Scotland	115.	S.
Greenwich Hospital; to enable Provision to be made out of the Funds of Greenwich Hospital for the Widows of Seamen and Marines slain, killed, or drowned in the Sea Service of the Crown	67.	U. K.

	Cap.	Relating to
Growing Crops Seizure; to amend the Law relating to the Seizure of growing Crops in Ireland	62.	I.
Harbours; to authorize further Harbour Regulations for the Protection of Her Majesty's Ships, Dockyards, and Naval Stations	30.	U. K.
——— to amend, so far as regards Advances for the Purposes of "The Harbours and Passing Tolls, &c. Act, 1861," (24 & 25 Vict. c. 47.) certain of the Acts authorizing the Advance of Money out of the Consolidated Fund for carrying on Public Works and Fisheries and Employment of the Poor	81.	G. B.
——— to authorize the taking of Harbour Dues at Port Erin in the Isle of Man, in order to provide a Fund for the Improvement of the Harbour; and for other Purposes	86.	E.
——— for confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, (24 & 25 Vict. c. 45.,) relating to Blackpool, Deal and Walmer, Exmouth, Rosehearty, Ilfracombe, Instow, Bangor, Chatham, Bray, Dartmouth, and Nairn	104.	G. B. & I.
——— for the Preservation and Improvement of Harwich Harbour	71.	E.
——— for the further Improvement of the Harbour of Howth	72.	E.
Hares, Sale of; to amend the Law relative to the Sale of Hares in Ireland	19.	I.
Harwich Harbour, for the Preservation and Improvement of	71.	E.
Hitcham's Charity; for confirming a Scheme of the Charity Commissioners for the Management of the Charity of Sir Robert Hitcham, Knight, King's Serjeant, for the Benefit of Framlingham, Debenham, and Levington (Suffolk), and of Coggeshall (Essex)	58.	E.
Holborn Hill Improvement. *See* London Coal and Wine Duties.		
Holders of Public Stocks, to give further Facilities to	28.	G. B. & I.
Holywell. *See* Local Government.		
Howth Harbour, for the further Improvement of	72.	E.
Ilfracombe. *See* Piers and Harbours.		
Illegitimate Children; to amend the Law enabling Boards of Guardians to recover Costs of Maintenance of illegitimate Children in certain cases in Ireland	21.	I.
Improvement of Land; to enable Landed Proprietors to construct Works for the Drainage and Improvement of Lands in Ireland	88.	I.
——— *See also* Drainage, &c.		
Improvement of Towns. *See* Police and Improvement.		
Inclosure of Land; to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales	18.	E.
——— to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners	39.	E.
Indemnity; to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively	107.	G. B. & I.
India Stock, to give further Facilities to the Holders of	73.	U. K.
Inland Revenue; granting to Her Majesty certain Duties of Inland Revenue; and to amend the Laws relating to the Inland Revenue	33.	U. K.
——— to grant certain Duties of Customs and Inland Revenue	22.	U. K.

	Cap.	Relating to
Inland Revenue; to reduce the Duty on Rum in Certain Cases	102.	U. K.
Innkeepers Liability; to amend the Law respecting the Liability of Innkeepers, and to prevent certain Frauds upon them	41.	G. B. & I.
Instow. *See* Piers and Harbours.		
Investment of Monies. *See* Savings Banks.		
Ireland, Acts relating specially to. *See* Births and Deaths Registration. Church in Ireland. District Parochial Churches. Drainage and Improvement of Land. Fish—Fisheries. Growing Crops. Hares, Sale of. Illegitimate Children. Irish Fisheries. Land. Marriages. Mill Sites. Parochial Churches. Petty Sessions. Prisons. Registration of Births, &c. Vaccination.		
Irish Fisheries; to amend the Laws relating to Fisheries in Ireland	114.	I.
Irish Poor, Removal of. *See* Poor.		
Isle of Man; to authorize the taking of Harbour Dues at Port Erin in the Isle of Man, in order to provide a Fund for the Improvement of the Harbour, &c.	86.	E.
Judges Circuits; to enable Her Majesty in Council to make Alterations in the Circuits of the Judges	122.	E.
Justice, Administration of. *See* Admiralty, Court of. Africa (South). Alterations in Judges Circuits. Corrupt Practices at Elections. Criminal Proceedings. Gratuitous Trustees. Justices, Jurisdiction of. Liability of Innkeepers. Magistrates, Stipendiary. Misappropriation by Servants. Oaths Relief. Personal Violence. Petty Sessions. Prisons. Seizure of Growing Crops. Vice Admiralty Courts.		
Justices, Jurisdiction of; to amend the Law relating to the Jurisdiction of Justices residing or being out of the County for which they are Justices	77.	E.
Kingston-upon-Hull. *See* Local Government.		
Lambeth. *See* Thames Embankment (South Side).		
Land, Conveyance of; to further amend the Law relating to the Conveyance of Land for Charitable Uses	106.	U. K.
Land, Drainage of; to facilitate the Drainage of Land in Ireland	26.	I.
——— to enable Landed Proprietors to construct Works for the Drainage and Improvement of Lands in Ireland	88.	I.
——— to confirm certain Provisional Orders under the Land Drainage Act, 1861 (24 & 25 Vict. c. 133.)	63.	E.
Land Tax Commissioners; to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes	101.	G. B.
Lands. *See* Commons Inclosure. Drainage, &c. Duchy of Cornwall. Postmaster-General.		
Laws (Expiring); for continuing various expiring Acts	95.	G. B. & I.
Leases, Grants of. *See* Duchy of Cornwall.		
Legal Tender. *See* Sydney Branch Mint.		
Legislatures, Colonial; to confirm certain Acts of Colonial Legislatures	84.	U. K.
——— *See also* Colonial Clergy.		
Leith; to confirm a certain Provisional Order under the General Police and Improvement (Scotland) Act, 1862, (25 & 26 Vict. c. 101.,) relating to the Burgh of Leith	60.	S.
Letters Patent (Colonies); to determine the Time at which Letters Patent shall take effect in the Colonies	76.	U. K.
Levington. *See* Hitcham's Charity.		

	Cap.	Relating to
Liability of Innkeepers; to amend the Law respecting the Liability of Innkeepers, and to prevent certain Frauds upon them	41.	G. B. & I.
Lists and Ballots for the Militia. *See* Militia.		
Llanelly. *See* Local Government.		
Loan Societies, to make perpetual an Act (3 & 4 Vict. c. 110.) to amend the Laws relating to	56.	E.
Local Government of Towns; for amending the Local Government Act, 1858 (21 & 22 Vict. c. 98.)	17.	E.
——— to confirm certain Provisional Orders under the Local Government Act, 1858, (21 & 22 Vict. c. 98.,) relating to the Districts of Basford, Teignmouth, Kingston-upon-Hull, Nottingham, Bradford, Ryde, Bedford, Croydon, Batley, Berwick-upon-Tweed, Sheerness, and Bromsgrove	32.	E.
——— to confirm certain Provisional Orders under the Local Government Act, 1858 (21 & 22 Vict. c. 98.,) relating to the Districts of Plymouth, Holywell, Llanelly, West Ham, Worthing, Aberavon, and Wallasey	64.	E.
——— to facilitate the Execution of Public Works in certain Manufacturing Districts; to authorize for that Purpose Advances of Public Money to a limited Amount upon Security of Local Rates; and to shorten the Period for the Adoption of The Local Government Act, 1858, (21 & 22 Vict. c. 98.,) in certain Cases	70.	E.
London (Improvements); for making a new Street from Blackfriars to the Mansion House in the City of London in connexion with the Embankment of the River Thames on the Northern Side of that River; and for other Purposes	45.	E.
London Coal and Wine Duties; for further continuing and appropriating the London Coal and Wine Duties [Holborn Hill Improvements]	46.	E.
London, &c. Dioceses; for carrying into effect the Report of the Commissioners appointed to inquire into the State of the Dioceses of Canterbury, London, Winchester, and Rochester; and for other Purposes	36.	E.
Lord Chancellor's Presentations; for the Augmentation of certain Benefices, the Right of Presentation to which is vested in the Lord Chancellor	120.	E.
Lunatics; to amend the Lunacy Acts in relation to the building of Asylums for Pauper Lunatics	110.	E.
Magistrates, Stipendiary; to enable Cities, Towns, and Boroughs of Twenty-five thousand Inhabitants and upwards to appoint Stipendiary Magistrates	97.	E.
Main Drainage of the Metropolis; to extend the Powers of the Act 21 & 22 Vict. c. 104. relating to the Main Drainage of the Metropolis	68.	E.
Malt Duty; to extend the Credit for Payment of a Portion of the Excise Duty on Malt	3.	U. K.
Man, Isle of. *See* Isle of Man.		
Manufacturing Districts. *See* Distress. Union Relief Aid.		
Marine Mutiny; for the Regulation of Her Majesty's Royal Marine Forces while on shore	9.	U. K.
Marines, Widows of. *See* Greenwich Hospital.		
Marriage of the Prince of Wales. *See* Prince and Princess of Wales.		
Marriages; to amend the Law relating to Marriages in Ireland	27.	I.
——— to provide for the Registration of Marriages in Ireland	90.	I.
Meat, Diseased; to amend the Nuisances Removal Act for England, 1855, (18 & 19 Vict. c. 121.,) with respect to the Seizure of diseased and unwholesome Meat	117.	E.

	Cap.	Relating to
Medals (Exhibition); to prevent false Representations as to Grants of Medals or Certificates made by the Commissioners for the Exhibitions of 1851 and 1862	119.	U. K.
Medical Supplemental Fund; to amend the Naval Medical Supplemental Fund Society Winding-up Act, 1861, (24 & 25 Vict. c. 108.)	111.	U. K.
Members of Parliament. *See* Parliamentary Elections.		
Metropolis Turnpike Roads; to amend the Acts 7 Geo. 4. c. 142. and 10 Geo. 4. c. 59., &c., relating to the Turnpike Roads in the Neighbourhood of the Metropolis North of the River Thames	78.	E.
Metropolitan Main Drainage; to extend the Powers of the Act 21 & 22 Vict. c. 104. relating to the Main Drainage of the Metropolis	68.	E.
Militia; to suspend the making of Lists and the Ballots for the Militia of the United Kingdom	53.	G. B. & I.
——— to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers	37.	G. B. & I.
Mill Sites; to amend the Act 20 & 21 Vict. c. 23. authorizing the Sale of Mill Sites and Water Powers by the Commissioners of Public Works in Ireland	42.	I.
Ministers (Prison); for the amendment of the Law relating to the Religious Instruction of Prisoners in County and Borough Prisons in England and Scotland	79.	E. & S.
Mint (Sydney); to enable Her Majesty to declare Gold Coins to be issued from Her Majesty's Branch Mint at Sydney, New South Wales, a legal Tender for Payments; and for other Purposes relating thereto	74.	U. K.
Misappropriation by Servants; to amend the Law in certain Cases of Misappropriation by Servants of the Property of their Masters	103.	E.
Muriatic Acid Gas; for the more effectual Condensation of Muriatic Acid Gas in Alkali Works	124.	G. B. & I.
Mutiny; for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters	8.	U. K.
——— for the Regulation of Her Majesty's Royal Marine Forces while on shore	9.	U. K.
——— to repeal the Act 20 & 21 Vict. c. 66. for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and for regulating in such Service the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in the Service	48.	U. K.
——— to consolidate and amend the Acts relating to the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers in case of Death, and to make like Provision for the Cases of Desertion and Insanity, and other Cases	57.	U. K.
Nairn. *See* Piers and Harbours.		
Naval Coast Volunteers; to amend the Law relating to the Royal Naval Coast Volunteers	5.	U. K.
Naval Medical Supplemental Fund Society; to amend The Naval Medical Supplemental Fund Society Winding-up Act, 1861, (24 & 25 Vict. c. 108.)	111.	U. K.

	Cap.	Relating to
Naval Reserve; to establish Officers of the Royal Naval Reserve	69.	U. K.
Naval Stations, &c.; to authorize further Harbour Regulations for the Protection of Her Majesty's Ships, Dockyards, and Naval Stations	30.	U. K.
Navy Prize Agents; to provide for the Appointment of Navy Prize Agents, and respecting their Duties and Remuneration	116.	U. K.
Negotiation of Promissory Notes and Bills of Exchange. *See* Bills of Exchange, &c.		
Negrohead Tobacco. *See* Tobacco Duties.		
New Street. *See* Thames Embankment (North Side).		
New Zealand, to alter the Boundaries of	23.	U. K.
Nottingham. *See* Local Government.		
Nuisances Removal; to amend the Nuisances Removal Act for England, 1855, (18 & 19 Vict. c. 121.,) with respect to the Seizure of diseased and unwholesome Meat	117.	E.
Oaths Relief; to give Relief to Persons who may refuse or be unwilling, from alleged conscientious Motives, to be sworn in Criminal Proceedings in Scotland	85.	S.
Offences (South Africa). *See* South Africa.		
Officers of Royal Naval Reserve; to establish Officers of the Royal Naval Reserve	69.	U. K.
Offices, Qualifications for; to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively	107.	G. B. & I.
Ornamental Grounds. *See* Gardens in Towns.		
Parliamentary Elections; to amend and continue the Law relating to Corrupt Practices at Elections of Members of Parliament	29.	G. B. & I.
——— to further limit and define the Time for proceeding to Election during the Recess	20.	U. K.
Parochial Churches; to amend the Law relating to District Parochial Churches in Ireland	123.	I.
Passengers Act; to amend the Passengers Act, 1855, (18 & 19 Vict. c. 119.)	51.	U. K.
Passing Tolls. *See* Harbours.		
Pauper Lunatic Asylums; to amend the Lunacy Acts in relation to the building of Asylums for Pauper Lunatics	110.	E.
Personal Violence, Security from; for the further Security of the Persons of Her Majesty's Subjects from personal Violence	44.	E. & I.
Petty Sessions; to amend the Petty Sessions (Ireland) Act, 1851, (14 & 15 Vict. c. 93.,) and the Petty Sessions Clerks (Ireland) Act, 1858, (21 & 22 Vict. c. 100.)	96.	I.
Piers and Harbours; for confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, (24 & 25 Vict. c. 45.,) relating to Blackpool, Deal and Walmer, Exmouth, Rosehearty, Ilfracombe, Instow, Bangor, Chatham, Bray, Dartmouth, and Nairn	104.	G. B. & I.
Plymouth. *See* Local Government.		
Poisoned Grain, &c.; to prohibit the Sale and Use of poisoned Grain or Seed	113.	G. B. & I.
Police and Improvement; to confirm a certain Provisional Order under the General Police and Improvement (Scotland) Act, 1862, (25 & 26 Vict. c. 101.,) relating to the Burgh of Leith	60.	S.

	Cap.	Relating to
Poor—Poor Laws; to continue the Poor Law Board	55.	E.
——— to extend for a further Period the Provisions of the Union Relief Aid Act (25 & 26 Vict. c. 110.)	4.	E.
——— to extend for a further Period the Provisions of the Union Relief Aid Acts	91.	E.
——— for the further Amendment of the Law relating to the Removal of poor Persons, Natives of Ireland, from England	89.	E. & I.
——— to amend the Law enabling Boards of Guardians to recover Costs of Maintenance of illegitimate Children in certain Cases in Ireland	21.	I.
Port Erin Harbour; to authorize the taking of Harbour Dues at Port Erin in the Isle of Man, in order to provide a Fund for the Improvement of the Harbour; and for other Purposes	86.	E.
Portland, Port of. *See* Fortifications.		
Post Office Lands; to enable Her Majesty's Postmaster General to sell and otherwise dispose of Land	43.	U. K.
Post Office Savings Banks; to amend the Law relating to Post Office Savings Banks	14.	G. B. & I.
Prince and Princess of Wales; to enable Her Majesty to provide for the Establishment of His Royal Highness the Prince of Wales and Her Royal Highness the Princess Alexandra of Denmark, and to settle certain Annuities on Her Royal Highness	1.	U. K.
——— to make Provision concerning Bills of Exchange and Promissory Notes payable in the Metropolis on the Day appointed for the Passage through the Metropolis of Her Royal Highness the Princess Alexandra of Denmark	2.	E.
Prisons—Prisoners; for the Amendment of the Law relating to the Religious Instruction of Prisoners in County and Borough Prisons in England and Scotland	79.	E. & S.
——— to amend the Law relating to Prisons in Ireland	66.	I.
——— for remedying certain Defects in the Law relating to the Removal of Prisoners in Scotland	109.	S.
Prize Agents (Navy); to provide for the Appointment of Navy Prize Agents, and respecting their Duties and Remuneration	116.	U. K.
Promissory Notes and Bills of Exchange; to remove certain Restrictions on the Negotiation of Promissory Notes and Bills of Exchange under a limited Sum	105.	E.
——— *See* also Bills of Exchange, &c.		
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PUBLIC GENERAL STATUTES

AFFECTING SCOTLAND.

1864.

PRINTED BY WILLIAM BLACKWOOD AND SONS, EDINBURGH.

A

COLLECTION

OF THE

PUBLIC GENERAL STATUTES

AFFECTING SCOTLAND,

PASSED IN THE

TWENTY-SEVENTH & TWENTY-EIGHTH YEARS

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA:

Being the SIXTH SESSION of the EIGHTEENTH PARLIAMENT of the United Kingdom of *Great Britain* and *Ireland.*

WITH

GENERAL INDEX,

AND TABLES OF ALL THE GENERAL, LOCAL, AND PRIVATE ACTS PASSED IN THE ABOVE SESSION.

Printed by Authority of
Her Majesty's sole and only Master Printers for Scotland,
BY WILLIAM BLACKWOOD AND SONS,
EDINBURGH.
1864.

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LONDON, 31st March 1848.

AND. RUTHERFURD.

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[AFFECTING SCOTLAND.]

ANNO VICESIMO SEPTIMO

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CAP. VIII.

An Act to amend the Laws relating to Conveyancers, Special Pleaders, and Draughtsmen in Equity, practising in Ireland.—[28*th* April 1864.]

CAP. IX.

An Act to allow the making of Malt Duty-free to be used in feeding Animals.—[28th April 1864.]

WHEREAS it is expedient to allow Malt to be made Duty-free to be used in the feeding of Animals: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Malt may be made and used free of Duty in the feeding of Animals, if mixed with Linseed, &c.

I. It shall be lawful for any Person who shall give such Security as herein-after required in that Behalf, and upon taking out a proper Licence as a Maltster, to make Malt under the Provisions of this Act in a Malthouse approved by the Commissioners of Inland Revenue for the sole Purpose of being consumed in the feeding of Animals, and all Malt which shall be so made and which shall be mixed with Linseed Cake or Linseed Meal as herein-after directed in such Malthouse, or with such other Substance as may hereafter be approved by the said Commissioners, shall be free from the Duties of Excise chargeable on Malt; and it shall also be lawful for any Maltster (not being a Distiller) who shall be entitled to make Malt for the Purpose of being consumed in the distilling of Spirits under the Provisions of the Act passed in the Eighteenth and Nineteenth Years of Her Majesty's Reign, Chapter Ninety-four, to mix Malt with the Materials aforesaid for the sole Purpose of being consumed in the feeding of Animals, upon his complying with the Provisions and Regulations of this Act.

Persons making Duty-free Malt under this Act to give Security against Frauds.

II. Every Person who shall intend to make Malt Duty-free under the Provisions of this Act shall enter into a Bond to Her Majesty, with Two or more sufficient Sureties to the Satisfaction of the Commissioners of Inland Revenue, and in such Sum as the said Commissioners shall think proper, conditioned to the Purport or Effect following; (that is to say,) that such Maltster shall duly make into Malt all Corn and Grain which shall be received

received into any such Malthouse as aforesaid, and shall not take, send out, remove, or deliver from any such Malthouse as aforesaid any Malt, except Malt duly mixed with some Material prescribed by this Act in that Behalf, and removed in conformity with the Provisions of this Act, and shall not convey away, hide, or conceal any Malt or Corn or Grain contrary to any of the Provisions of this Act, or of any Act in force in relation to Maltsters or the making of Malt; and the Condition of such Bond shall also contain all such further Terms and Stipulations as the Commissioners of Inland Revenue shall deem to be necessary or proper for enforcing Compliance on the Part of such Maltster with the Terms and Provisions of this Act, and the Regulations which the said Commissioners may make in pursuance thereof, or for preventing Frauds in relation to the Malt to be made by such Maltster; and such Maltster shall give a fresh Bond, with such Sureties as aforesaid, when and as often as he shall be required so to do by the said Commissioners, and in default thereof he shall not be entitled to make Malt Duty-free under the Provisions of this Act.

Maltsters under this Act to designate their Malthouses.

III. Every Person who shall make Malt under the Provisions of this Act shall paint or place and fix in Letters distinctly legible, Three Inches at the least in Height, and of a proper and proportionate Breadth, conspicuously upon the principal Gate, Door, or Entrance of his Malthouse, his Christian and Surname, together with the Words "Entered to make Malt to be used in feeding Animals," and shall preserve and keep the same so painted or placed and fixed, and shall repaint and renew the same as often as Occasion shall require.

Malt to be conveyed from Store to Grinding Room under such Regulations as Commissioners shall appoint.

IV. All Malt made under the Provisions of this Act shall be deposited in a Storeroom provided by the Maltster and entered with the Excise for that Purpose, and shall be conveyed to and from the Room in which the same is intended to be ground as herein-after mentioned upon such Notice to the Officer of Excise and under such Regulations as the Commissioners of Inland Revenue shall direct and appoint in that Behalf.

Maltster to provide a secure Room for grinding and mixing Malt.

V. The Maltster shall provide at his own Expense a safe and secure Room or Rooms in his Malthouse, to be approved in Writing by the proper Collector and Supervisor of the District, for the Purpose of grinding and mixing the Malt made by him in such Malthouse: and all such Rooms so to be provided as aforesaid shall be properly secured to the Satisfaction of the said Collector and Supervisor, and shall be at all Times kept locked by the proper Officer of Excise, and neither the Maltster nor his Servants or Workmen shall be admitted therein, except upon such a Notice in Writing to be given by the Maltster to the Officer as the said Commissioners shall direct.

VI. All

VI. All Malt made under the Provisions of this Act shall, before the Removal thereof from the Malthouse in which the same shall have been made, be ground and thoroughly mixed with One Tenth Part at the least of its Weight of ground Linseed Cake or Linseed Meal or other Substance as aforesaid; and all such Malt, and the said Material to be mixed therewith, shall be ground to such a Degree of Fineness and in such Manner as the said Commissioners shall direct or approve, and shall be mixed together in a Quantity not less than Forty Bushels at a Time in the Presence of an Officer of Excise by such Means and in such Manner as shall be directed or approved by the said Commissioners; and for any Refusal or Neglect on the Part of the Maltster to comply with the Requirements of this Clause, or any of them, the Malt and also the Material mixed or intended to be mixed therewith shall be forfeited. Malt to be mixed with Linseed Cake or Meal, &c.

VII. The Maltster shall keep an Account, in such Form as the Commissioners shall supply to him for that Purpose, of the Quantity, by Weight or Measure as the Commissioners shall require, of all Malt mixed as aforesaid which he shall from Time to Time send out or deliver from his Malthouse, with the respective Dates of such sending out or Delivery, and the Name and Place of Abode of the Person to or for whom such mixed Malt shall be so sent or delivered, together with such other Particulars respecting the same as the said Commissioners shall require in that Behalf. Maltster to keep an Account of all mixed Malt sent out, and of the Name of the Person to whom sent.

VIII. All Malt which shall be found mixed with Linseed Cake or Linseed Meal or other Substance as aforesaid shall be deemed to have been mixed under the Provisions of this Act, and if any Person shall separate or attempt to separate any Malt from any Material with which the same shall have been mixed as aforesaid, or shall use any Malt which shall have been so mixed as aforesaid in or for the brewing of Beer or distilling of Spirits, he shall forfeit the Sum of Two hundred Pounds, and all such Malt and Material shall be forfeited. Penalty for separating Malt from Linseed Cake or Meal mixed therewith.

IX. If any Person shall be found taking or removing Malt, or any Corn or Grain making into Malt, from any Malthouse or Premises on the principal or outer Gate whereof the Words "Entered to make Malt to be used in feeding Animals" shall be painted, placed, or fixed, and not being Malt mixed with such Material as aforesaid, and removing under and according to the Provisions of this Act, he shall be dealt with in like Manner and be liable to the like Penalty and Punishment as are prescribed in the Thirty-second Section of the said Act passed in the Eighteenth and Nineteenth Years of Her Majesty in the Case of a Person offending as therein mentioned. Persons found unlawfully removing Malt from a Malthouse entered under this Act to be dealt with in manner directed by Sect. 32 of 18 & 19 Vict. c. 94.

X. All

Provisions of former Acts relating to Maltsters and the making of Malt to be applied to the Purposes of this Act.

X. All the Provisions, Regulations, Penalties, and Forfeitures contained in the several Acts of Parliament now in force in relation to Maltsters or the making of Malt, and also the Provisions contained in the Sections herein-after enumerated of the said Act of the Eighteenth and Nineteenth Years of Her Majesty's Reign, Chapter Ninety-four, that is to say, Sections Six, Eleven, Thirteen, Fourteen, Fifteen, Sixteen, Eighteen, Nineteen, Twenty, Twenty-four, Twenty-five, Twenty-six, Twenty-seven, and Thirty-one, so far as they relate to Maltsters not being Distillers, and so far as the same shall be consistent with the express Provisions of this Act, shall be applied and put in execution with respect to Maltsters and the making of Malt under this Act as fully and effectually to all Intents and Purposes as if the same had been repeated and specially enacted, *mutatis mutandis*, with reference to Maltsters and the making of Malt under this Act.

Justices making Malt under this Act not to be disqualified from granting Alehouse Licences.

XI. No Justice of the Peace shall be disqualified from acting in or about the granting or transferring of Licences to Persons to keep Inns, Alehouses, Victualling Houses, or Public Houses, or in any Discussion or Adjudication relating to the same, by reason of his making and mixing Malt under the Provisions of this Act, or of his dealing in, selling, or retailing any Malt so made and mixed as aforesaid; anything in any Act or Acts to the contrary notwithstanding.

Continuance of Act.

XII. This Act shall continue and be in force for Five Years from the passing thereof, and until the End of the then next Session of Parliament, and shall then expire, except as to any Act done or Offence committed, or any Penalty or Forfeiture previously incurred.

CAP. X.

An Act to continue for a further Period certain Provisions of the Union Relief Aid Acts.—[28*th* April 1864.] (England.)

CAP. XI.

An Act to apply the Sum of Fifteen Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-four.—[28*th* April 1864.]

CAP. XII.

An Act to amend the Laws relating to the warehousing of British *Spirits.*—[28*th* April 1864.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

British Spirits in Duty-free Warehouse may be removed to a separate Room to be bottled for Exportation or for Ships Stores.

I. Any plain *British* Spirits deposited in an Excise Warehouse without Payment of Duty may be removed by the Distiller or Proprietor of such Spirits, on giving Twenty-four Hours previous Notice to the Officer of Excise, to a special and secure Building, Room, or Place to be provided by the Distiller or the Proprietor of such Warehouse, and to be approved by the Commissioners of Inland Revenue; and such Spirits may be there bottled and packed for Exportation or for Use as Ships Stores in the Manner herein-after directed, and under such Regulations and during such Hours as the said Commissioners shall appoint in that Behalf: Provided always, that such Building, Room, or Place shall be adjacent to but shall have no internal Communication with the said Warehouse, and shall not be situate in the same Court or Yard, or have any Communication with the Premises of a Rectifier, Dealer in or Retailer of Spirits; and provided also, that the Distiller or Proprietor of the said Warehouse shall give Security by Bond for such Building, Room, or Place.

How Spirits shall be bottled and packed.

II. Such Spirits, after Removal as aforesaid, shall be drawn off into Imperial or reputed Quart or Pint Bottles, and shall be packed in Cases, each Case to contain any Number of Dozens of Bottles, but not less than One Dozen Quarts or Two Dozen Pints; and all such Cases shall be fastened and secured, and shall be legibly painted or branded with such Particulars and Marks as the said Commissioners shall direct; and if any Deficiency shall be found at any Time in the Quantity of Spirits belonging to such Distiller or Proprietor exceeding Two *per Centum* upon the Quantity which he shall have removed into the said Building, Room, or Place, since the last Account was taken, he shall be charged with the Duty upon so much of such Deficiency as shall exceed the said Rate of Two *per Centum* on the Quantity last aforesaid.

Bottled Spirits may be

III. Spirits, when bottled and packed in the Manner directed by this Act, may be removed, without Payment of Duty, to a Ship

removed to a Ship or to Customs Warehouse as Spirits in Casks.

Ship, or to a Customs Warehouse, for Exportation or Use as Ships Stores, under the like Security and subject to the like Conditions as in the Case of Spirits in Casks delivered out of Warehouse for the like Purpose.

Distiller may reduce Spirits with Water in a Warehouse specially approved for that Purpose to any Strength that which he might lawfully send the same out of his Stock.

IV. Any plain *British* Spirits of a Strength not less than Forty-three *per Centum* above Proof deposited in the Name of a Distiller in an Excise Warehouse without Payment of Duty may be removed by such Distiller without Payment of Duty to a General Warehouse to be provided and secured, and under the like Bond, as any other General Warehouse for the Deposit of *British* Spirits without Payment of Duty under the Laws of Excise, and to be specially appointed or approved by the Commissioners of Inland Revenue for the Purpose of receiving Spirits to be mixed with Water; and such Spirits when deposited in such last-mentioned Warehouse may, under such Regulations as the said Commissioners shall make in that Behalf, be mixed with Water in a Vat or Vats to be provided by the Distiller, and constructed to the Satisfaction of the said Commissioners, and may be reduced therein to any Strength at which Spirits are allowed by the One hundredth Section of the Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter One hundred and fourteen, to be sent out of or removed from a Distillery or the Stock of a Distiller: Provided always, that the Water to be used in reducing the Strength of such Spirits shall be supplied only through a Service Pipe which shall pass through a Meter placed in the said last-mentioned Warehouse, such Pipe and Meter to be constructed, laid down, and fixed to the Satisfaction of the said Commissioners, who are hereby authorized to require when they shall think it necessary any Change or Alteration to be made therein, or in the laying down or fixing of the same respectively.

Separate Room to be provided for racking Duty-paid Spirits.

V. The Commissioners of Inland Revenue may require a separate Room, secured to their Satisfaction, to be provided by a Distiller or Proprietor of an Excise Warehouse for the racking of Spirits upon which the Duty has been paid; and the Officer of Excise shall keep an Account, at Hydrometer Proof, of all Spirits belonging to such Distiller or Proprietor of Spirits which shall be received into such Room and lawfully sent out therefrom; and if upon taking an Account of the Stock of such Spirits at any Time, a greater Quantity of Spirits shall be found in such Room than according to the said Account, ought to remain therein, the Excess shall be charged with Duty, and if such Excess shall amount to more than One *per Centum* on the Quantity of Spirits which shall have been brought in since the last preceding Account taken of the Stock of Spirits of such Distiller or Proprietor of Spirits in such Room as aforesaid, such

such Excess shall be forfeited, and the Distiller or Proprietor of such Spirits shall forfeit the Sum of Twenty Shillings for every Gallon of such Excess.

Allowance upon the Deficiency arising from the vatting of Spirits in Warehouse increased to One per Cent.

VI. In lieu of the Allowance of One Half *per Centum* allowed by Section One hundred and nineteen of the Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter One hundred and fourteen, in the Case of any Deficiency which shall occur during the Operation of vatting, blending, or racking of Spirits in Warehouse, an Allowance not exceeding One *per Centum* shall be made in the Case of any such Deficiency, and the same Allowance shall be made in the Case of any Deficiency which shall occur during the mixing with Water and racking of any Spirits reduced under the Provisions of this Act.

Duty to be paid on Quantity of Spirits actually delivered from Warehouse, where no fraudulent or improper Deficiency.

VII. On the Delivery of any Cask or Package of Spirits from the Excise Warehouse in which the same shall have been deposited without Payment of Duty, the proper Duties shall be charged and paid upon the Quantity of Spirits actually found in such Cask or Package at the Time of the Delivery thereof by Weight, Measure, or Gauge, as the Commissioners of Inland Revenue may direct; provided that if the Quantity of Spirits contained in such Cask or Package shall be found by Weight, Measure, or Gauge to be less than the Quantity contained therein when the same was deposited in the said Warehouse, and if the said Commissioners shall not be satisfied that such Deficiency has not been caused in the whole or in part by any fraudulent Abstraction, then the Duty shall be charged and paid upon the whole Quantity of Spirits contained in such Cask or Package at the Time when the same was deposited in the Warehouse according to the Account then taken thereof, or upon such Portion thereof as the said Commissioners shall think fit.

When any Deficiency beyond natural Waste is found in Spirits in Warehouse, the Duty on the Quantity originally warehoused to be paid immediately.

VIII. If any Officer of Excise shall at any Time find a greater Deficiency (whether calculated by Weight, Measure, or Gauge) in the Quantity of Spirits which should be contained in any Cask or Package deposited in any Excise Warehouse without Payment of Duty than can be accounted for by natural Waste or other legitimate Cause, the Commissioners of Inland Revenue may require immediate Payment of the Duty on the Quantity of Spirits originally warehoused in such Cask or Package; and if such Duty be not paid by the Distiller or Proprietor of such Spirits in whose Name the said Cask or Package shall be warehoused, on Demand made in Writing by any Officer of Excise, the said Distiller or Proprietor shall forfeit double the Value of the said Duties; and no Spirits which may be deposited in any such Warehouse as aforesaid in the Name of such Distiller or Proprietor

Proprietor shall be transferred to any other Person, or delivered out of such Warehouse until such Distiller or Proprietor shall have paid the Amount of such Duties or Forfeiture as aforesaid.

Spirits fraudulently concealed, abstracted, or removed from Warehouse to be forfeited, and Distiller or Proprietor of Warehouse to forfeit £200.

IX. If any Spirits shall be fraudulently concealed in or removed from the Excise Warehouse in which the same shall have been deposited without Payment of Duty, or if any Spirits shall be abstracted from any Cask or Package which shall be deposited in any such Warehouse, all such Spirits, and all Spirits with which the same may be put or mixed, and all Spirits remaining in such Cask or Package, together with the said Cask or Package, shall be forfeited, and the Distiller or the Proprietor or Tenant of the Warehouse (if such Concealment or Abstraction shall have taken place in, or such Removal have been made from, any General Warehouse), shall forfeit the Sum of Two hundred Pounds.

Distiller or Proprietor of Spirits or Warehouse opening or gaining Access to Warehouse except in Presence of an Officer, to forfeit £500.

X. If any Distiller or Proprietor of Spirits, or any Proprietor or Tenant of any Excise Warehouse used for the Deposit of Spirits without Payment of Duty, or if any Person or Persons in the Employ of any Distiller or Proprietor of Spirits or Proprietor or Tenant of such Warehouse, shall open or gain access to any Excise Warehouse used for the Deposit of Spirits without Payment of Duty, except in the Presence of an Officer of Excise acting in the Execution of his Duty as such Officer, or shall abstract any Spirits from any Cask or Package therein, the Distiller or Proprietor of Spirits, or Proprietor or Tenant of the Warehouse as aforesaid, who, by himself or by any Person in his Employ, shall commit any such Offence as aforesaid, shall forfeit the Sum of Five hundred Pounds.

British Spirits may be removed from Excise to Customs Warehouse, and may be delivered from Customs Warehouse for Home Consumption.

XI. Any plain *British* Spirits to which no sweetening or other Matter which shall alter the Strength thereof has been added may, upon Security by Bond being given, and under such Regulations as the Commissioners of Customs and Inland Revenue respectively may from Time to Time make in that Behalf, be removed from any Excise Warehouse to, and be deposited without Payment of any Duty in, any Customs Warehouse which shall be situate in Premises separate and distinct from any other Premises in which Duty-paid Spirits or Wine are kept; and any such Spirits so deposited may upon the like Security, and under such Regulations as aforesaid, be removed to any other Customs Warehouse situate as aforesaid, or to any General Excise Warehouse; and such Spirits may be delivered for Home Consumption from any Customs Warehouse in which the same shall be deposited, upon Payment of the proper Excise Duties thereon, to be ascertained according to the Laws and Regulations now in force with respect to Spirits in an Excise Warehouse; and the said Duties shall be collected by the Officers of Customs

Customs under the Direction of the said Commissioners of Customs, who shall cause a separate Account to be kept, and to be furnished to the said Commissioners of Inland Revenue, of all such Duties collected and received; and the Amount thereof shall from Time to Time be paid over to the Account of the Receiver General of Inland Revenue at the Bank of *England*, and shall be dealt with and applied in the same Manner as other Monies arising from Duties of Excise.

Allowance of Twopence per Gallon on British Spirits deposited in Customs Warehouse not to be paid until Spirits actually exported.

XII. The Allowance of Twopence *per* Gallon granted by Section Four of the Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter One hundred and twenty-nine, to any Distiller or Proprietor of Spirits in respect of *British* Spirits deposited in a Customs Warehouse, shall not be paid until a Certificate from the proper Officer of Customs shall be produced to the Officer of Excise appointed to pay the said Allowance that such Spirits have been actually exported or used in the said Warehouse for fortifying Wines, or for any other Purpose to which Foreign or Colonial Spirits may be applied under the Laws or Regulations of the Customs.

Powers and Provisions of Customs Acts to be applied to British Spirits warehoused in Customs Warehouses under this Act.

XIII. All the Powers, Provisions, Clauses, Regulations, Pains, and Penalties contained in or imposed by any Act or Acts relating to the Customs as to the Warehousing, Custody, and Delivery out of Warehouse, whether for Exportation, for Use as Ships Stores, or for Home Consumption, of Goods liable to a Duty of Customs, and as to any Deficiencies therein or Allowances thereon, so far as the same respectively are or shall be applicable, in all Cases not hereby expressly provided for, and so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, shall be observed, applied, enforced, and put in execution with reference to any *British* Spirits deposited in any Warehouse of Customs under the Provisions of this Act, and to the Proprietors or Owners of such Spirits.

Bonds to be given in Form approved by Commissioners.

XIV. Any Bond or Security required to be given by or under the Authority of this Act shall be entered into to Her Majesty, with One or more sufficient Surety or Sureties, and in such Amount and with such Conditions as the Commissioners of Customs or Inland Revenue respectively shall direct and approve.

Penalties to be recovered as other Excise Penalties.

XV. The Penalties and Forfeitures imposed by this Act shall be sued for, recovered, levied, mitigated, and applied by the same Ways, Means, and Methods, and in like Manner, as Penalties and Forfeitures may be sued for, recovered, levied, mitigated, and applied under the Laws of Excise in that Behalf.

XVI. Sections 129, 132, 133, 134, and 147 of the Act passed in

Sections 129, 132, 133, 134, and 147 of the Act 23 & 24 Vict. c. 114. repealed.

in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter One hundred and fourteen, shall be and the same are hereby repealed, except as to anything done or which ought to be done, or as to any Offence committed, or any Penalty or Forfeiture incurred, before the Commencement of this Act.

CAP. XIII.

An Act to further extend the Time for making Enrolments under the Act passed in the Twenty-fourth Year of the Reign of Her present Majesty, intituled An Act to amend the Law relating to the Conveyance of Lands for Charitable Uses, *and otherwise to amend the said Law.*—[13*th* May 1864.] (England.)

CAP. XIV.

An Act to confirm certain Provisional Orders under "The Land Drainage Act, 1861."—[13*th* May 1864.] (England and Wales.)

CAP. XV.

An Act for making better and further Provision for the more efficient Despatch of Business in the High Court of Chancery.—[13th May 1864.]

CAP. XVI.

An Act to confirm the Appointment of Henry Pendock St George Tucker *Esquire as One of the Judges of Her Majesty's High Court at* Bombay, *and to establish the Validity of certain Proceedings therein.*—[13*th* May 1864.]

CAP. XVII.

An Act for the Abolition of Vestry Cess in Ireland, *and for other Purposes relating thereto.*—[13*th* May 1864.]

CAP. XVIII.

An Act to grant certain Duties of Customs and Inland Revenue.—[13*th* May 1864.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's public Expenses, and making an Addition to the public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several Rates and Duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Grant of Duties and Drawbacks as specified in Schedules annexed.

I. There shall be charged, collected, and paid, for the Use of Her Majesty, Her Heirs and Successors, the several Rates and Duties of Customs, Excise, Stamps, and Income Tax respectively specified and contained in the several Schedules marked respectively (A.), (B.), (C.), and (D.) to this Act annexed, and there shall be allowed the several Drawbacks specified and contained in the said Schedule (A.), and the said Rates, Duties, and Drawbacks shall respectively take effect at or from the respective Times, and shall continue to be charged, collected, paid, and allowed for and during the Periods respectively specified or mentioned in that Behalf in this Act or in the said Schedules, and where no Time is so specified for the Commencement thereof the same shall commence and take effect from and after the passing of this Act, and where no Period is so specified or limited for the Duration thereof the same shall continue to be charged, collected, paid, and allowed respectively until Parliament shall otherwise order; and the said several Schedules shall be deemed to be Part of this Act.

II. All

Provisions of former Acts to apply to this Act.

II. All the Powers, Provisions, Clauses, Regulations, Allowances, and Exemptions, Forfeitures, Pains, and Penalties, contained in or imposed by any Act or Acts, or any Schedule thereto, relating to any Duties or Drawbacks of the same Kind or Description as the several Rates or Duties or Drawbacks granted and allowed by this Act respectively, and in force at the Time of the passing of this Act, and not hereby expressly repealed, or, as regards the Income Tax, in force on the Fifth Day of *April* One thousand eight hundred and sixty-four (except as herein-after provided), shall respectively be in full Force and Effect with respect to the said Rates, Duties, and Drawbacks by this Act granted and allowed respectively, so far as the same are or shall be applicable, in all Cases not hereby expressly provided for, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said last-mentioned Rates and Duties, and the Allowance and Payment of the said Drawbacks respectively, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually, to all Intents and Purposes, as if the same had been herein repeated and specially enacted, *mutatis mutandis*, with reference to the Rates, Duties, and Drawbacks by this Act granted and allowed respectively: Provided always, that nothing herein contained shall be construed to continue or revive the Provisions contained in the Forty-second and Forty-fourth Sections of the Act passed in the Twenty-fifth Year of Her Majesty's Reign, Chapter Twenty-two; and that for the Purposes of this Act the Year One thousand eight hundred and sixty-two, mentioned in the Forty-third Section of the said Act, shall be read as and deemed to mean the Year One thousand eight hundred and sixty-four.

Customs.

Commissioners of Customs to provide Standard Samples of Sugar for assessing Duty.

III. For facilitating the due Assessment of the Duties on Sugar, with reference to Colour, Grain, or Saccharine Matter, considered collectively as they affect the general Quality of the Sugar to be assessed with Duty, the Commissioners of Customs shall provide and renew from Time to Time One or more Sample or Samples of each of the respective Qualities, according to which Sugar may be chargeable with Duty upon Importation into *Great Britain* or *Ireland*, such Samples to be approved by the Lords Commissioners of Her Majesty's Treasury, and when so approved shall be deemed to be Standard Samples for the Purpose of assessing the Duty upon Sugar,

Sugar, according as it may be equal to any of such Samples on Comparison therewith by the proper Officer of Customs; and no Sugar shall be chargeable with the Duty payable in respect of any particular Quality or Description for which a Sample is provided as aforesaid unless the same shall be equal to such Sample.

IV. Section Four of the Act of the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter Ninety-seven, shall be and the same is hereby repealed.

Sect. 4. of 18 & 19 Vict. c. 97. repealed.

Excise Licences.

V. It shall be lawful for the Commissioners of Inland Revenue, whenever they shall consider it necessary for the Accommodation of the public, to authorize any Officer of Excise to grant (upon Payment of the respective Duties in that Behalf mentioned in Schedule (B.) to this Act) an Occasional Licence in the several and respective Cases herein-after mentioned; (that is to say,) to any Person who shall have taken out an Excise Licence under the Acts passed in the Twenty-third Year of the Reign of Her Majesty, Chapter Twenty-seven, and the Twenty-third and Twenty-fourth Years of the same Reign, Chapter One hundred and seven, respectively, to keep a Refreshment House, or to sell by Retail in a Refreshment House Foreign Wine to be consumed therein; or an Excise Licence under the Act passed in the Fourth and Fifth Years of the Reign of King *William* the Fourth, Chapter Eighty-five, to retail Beer to be drunk or consumed in or upon the House or Premises where sold; or an Excise Licence under the Act passed in the Sixth Year of the Reign of King *George* the Fourth, Chapter Eighty-one, to deal in or sell Tobacco or Snuff; and every such Occasional Licence shall authorize any such Person as aforesaid to exercise and carry on the same Trade and Business as he shall be authorized to carry on by virtue of the Licence granted under the said Acts respectively as aforesaid at any such Place (other than the Place for which his original Licence was granted), and for and during such Space or Period of Time, not exceeding Three consecutive Days at any One Time, as the said Commissioners shall approve, and as shall be specified in such Occasional Licence; provided that the said Occasional Licence shall not protect any such Person in the carrying on of any such Trade or Business as aforesaid unless he shall produce such Licence whenever requested so to do by any Officer of Excise, or by any Constable or Police Officer, at the Time of exercising such Trade or Business; and provided also, that the Conditions and Restrictions

Occasional Licences may be granted to Persons who have taken out Licences under 23 & 24 Vict. cc. 27. and 107. (Refreshment Houses and Wine Retailers); under 4 & 5 Vict. c. 85. (Beer Retailers); and under 6. G. 4. c. 81. (Tobacco Retailers).

Restrictions contained in the Twentieth Section of the Act of the Twenty-sixth and Twenty-seventh Years of Her Majesty's Reign, Chapter Thirty-three, relating to Occasional Licences, shall apply to the Occasional Licences to be granted under this Act (except in the Case of Occasional Licences to sell Tobacco or Snuff).

Tea Licence at reduced Rate to be granted only on Overseer's Certificate of Rating.

VI. No Licence to trade in or sell Coffee, Tea, Cocoa Nuts, Chocolate, or Pepper at the reduced Duty imposed by this Act on such Licence shall be granted to any Person who shall not produce, at the Time of applying for such Licence, to the Officers of Excise authorized to grant the same, a Certificate in Writing, signed in *England* and *Wales* by an Overseer of the Poor, or in *Scotland* by an Inspector of the Poor, of the Parish, Township, or Place, or in *Ireland* by the Clerk of the Poor Law Union, in which Parish, Township, Place, or Union the House intended to be licensed is situated, certifying the Sum at which the said House is rated to the last Rate made for the Relief of the Poor of such Parish, Township, Place, or Union; provided that where in *Scotland* the House intended to be licensed is not separately rated to the Poor on the Ground of being let at a Rent not amounting to Four Pounds *per Annum*, such Licence shall be granted upon a Certificate signed by such Inspector of the Poor, certifying that such House is not so rated on the Ground aforesaid; and any such Licence which shall be granted without the Certificate aforesaid, or upon a Certificate which shall be false in any Particular, shall be absolutely void; and no such Licence at the reduced Rate aforesaid shall authorize the Sale of any of the Articles mentioned therein at any other Place than the House for which such Licence shall be granted, anything in any Act to the contrary notwithstanding.

Penalty on Overseer, &c. refusing to grant Certificate.

VII. If any Overseer of the Poor, Inspector of the Poor, or Clerk of a Poor Law Union shall refuse to grant, when demanded, a Certificate containing the Particulars required by the preceding Section, or shall grant a Certificate which shall be false or untrue in any Particular, he shall forfeit Ten Pounds.

Half-yearly Licences may be granted to Hawkers.

VIII. Any Licence to be taken out by a Hawker, Pedlar, or Petty Chapman in *Great Britain* may be granted for a Period not exceeding Six Months, on Payment of One Half only of the Amount payable for a Yearly Licence; provided that any such Half-yearly Licence shall continue in force until and upon the Thirty-first Day of *January* or the Thirty-first Day of *July*, as the Case may be, next following the Date thereof, and no longer.

Stamp

Stamp Duties.

Definition of "Stock in Trade."

IX. For the Purposes of this Act with respect to the Duty on Insurances against Loss or Damage by Fire, "Stock in Trade" shall be understood and deemed to mean Goods, Wares, and Merchandise in the Possession of the Manufacturer thereof for Sale, or in the Possession of any Manufacturer as Materials to be used for the Purpose, or in the Process of any Manufacture, or in the Possession of any Trader for Sale in the course of his Trade, or in the Possession of any Person on behalf of such Manufacturer or Trader, or in the Possession of a licensed Pawnbroker, being Goods received by him in Pledge.

Property insured subject to the reduced Rate of Duty to be distinguished in the Policy and also in the Quarterly Accounts.

X. In every Policy by which any Insurance from Loss or Damage by Fire shall be made or renewed upon any Stock in Trade, Machinery, Implements, or Utensils subject to the reduced Rate of yearly Per-centage Duty by this Act imposed, such Stock in Trade, Machinery, Implements, and Utensils, and the Sum or Sums insured thereon, shall be specified and set forth separately from all other Property on which any Insurance shall be made by the same Policy, and the Quarterly Accounts required by Law to be kept and rendered by Persons, Corporations, and Companies insuring against Fire shall contain a separate and distinct Account of all such Insurances as aforesaid, and of the Sums insured thereby respectively, and all other Particulars relating thereto required by Law to be specified or contained in such Quarterly Accounts: Provided that where in any Policy existing at the Time of the passing of this Act Property insured subject to the said reduced Rate of Duty shall not be separately and distinctly specified as herein required, it shall be lawful to distinguish the same and the Sum or Sums insured thereon by any Memorandum to be written or endorsed in or upon such Policy.

Property, and Sums insured thereon, may be distinguished by Memorandum on existing Policies.

Ad valorem Duty chargeable on "Settlements" payable under 13 & 14 Vict. c. 97. defined.

XI. Whereas by an Act passed in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Ninety-seven, certain *ad valorem* Stamp Duties were granted and made payable under the Head of "Settlement" in the Schedule thereto in respect of any definite and certain Principal Sum or Sums of Money, and any definite and certain Share or Shares in any of the Government or Parliamentary Stocks or Funds, or in the Stocks and Funds of the Governor and Company of the Bank of *England* or of the Bank of *Ireland*, or of the *East India* Company, or of the *South Sea* Company, or of any other Company or Corporation: And whereas it is expedient to explain and amend the said Act as herein-after mentioned:

mentioned: Be it enacted, That the said Duties so granted and made payable as last aforesaid shall be deemed to extend to and shall be chargeable upon or in respect of any definite and certain Principal Sum or Sums of Money of any Denomination or Currency, whether *British*, Foreign, or Colonial, and any definite and certain Share or Shares in the Stocks or Funds of any Foreign or Colonial Government, State, Corporation, or Company whatsoever, as well as upon or in respect of the Shares, Stocks, and Funds specified in the said last-mentioned Schedule.

Settlement of Sums of Money secured by Bonds, Debentures, and other Securities chargeable.

XII. And where any Principal Sum of Money secured or contracted for by or which may become due or payable upon any Bond, Debenture, Policy of Insurance, Covenant, or Contract shall be settled or agreed to be settled, or such Bond, Debenture, Policy, Covenant, or Contract shall be settled, or assigned or transferred by way of Settlement, or shall be agreed so to be, then and in any of such Cases the same shall be deemed to be a Settlement of such Principal Sum of Money, and shall be chargeable with the said *ad valorem* Stamp Duties on the Amount thereof accordingly: Provided always, that where the Subject of any Settlement shall be a Policy of Insurance, then, if there shall not be any certain Covenant, Contract, or Provision made for keeping up such Policy, or for paying the Premiums which may become payable in that Behalf, the said *ad valorem* Duty shall be chargeable only on the Value of such Policy at the Date of such Settlement.

The Value of Shares in Stocks and Funds, and of Sums secured by Foreign or Colonial Securities, and of Sums expressed in Foreign or Colonial Currency, how ascertained and determined.

XIII. And where the Subject of any Settlement chargeable with the said Duties shall be any Share or Shares in any such Stocks or Funds as aforesaid, or any Sum or Sums of Money secured by any Foreign or Colonial Bond, Debenture, or other Security bearing a marketable Value in the *English* Market, then the Value of such Share or Shares, and of such Bond, Debenture, or other Security respectively, shall be ascertained and determined by the average selling Price thereof on the Day or on either of the Ten Days preceding the Day of the Date of the Deed or Instrument of Settlement, or if no Sale shall have taken place within such Ten Days then according to the average selling Price thereof on the Day of the last preceding Sale, and the said *ad valorem* Duties shall be chargeable on such Settlement in respect of the Value so ascertained and determined; and the Value of any Sum or Sums of Money expressed in Coin of a Foreign or Colonial Denomination or Currency shall be determined by the current Rate of Exchange on the Day of the Date of the Deed or Instrument of Settlement, and the said *ad valorem* Duties shall be chargeable in respect of the Value so determined as last aforesaid.

XIV. The

XIV. The Stamp Duty by this Act imposed on a Voting Paper as described in Schedule (C.) to this Act may be denoted by an adhesive Stamp, in like Manner as the Stamp Duty on an Instrument appointing a Proxy; and all Provisions and Regulations relating to the Particulars to be inserted in such last-mentioned Instrument, or to the cancelling or obliterating an adhesive Stamp affixed thereto, and all Penalties for any Neglect or Omission to comply with any such Provisions or Regulations, or for making or signing any such Instrument on Paper not duly stamped, or for voting or attempting to vote under any such Instrument not duly stamped, shall be deemed to apply and shall be observed and enforced, *mutatis mutandis*, in relation to any such Voting Paper as aforesaid.

Provisions and Regulations relating to Proxies to apply to Voting Papers.

Income Tax.

XV. And whereas under and by virtue of the Fortieth Section of the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, Persons liable to the Payment of Rent, yearly Interest, or any Annuity or other annual Payment therein mentioned, are entitled and authorized on making such Payment to deduct and retain thereout the Amount of the Rate of Income Tax which shall be payable at the Time when such Payment becomes due: Be it enacted, That the Persons liable to and making any such Payment as aforesaid shall be entitled and are hereby authorized to deduct and retain thereout the Amount of the Rate or a proportionate Amount of the several Rates of Income Tax which were chargeable by Law upon or in respect of such Rent, Interest, Annuity, or other annual Payment, or the Source thereof, during the Period through which the same was accruing due, anything in the said recited Act to the contrary notwithstanding.

Income Tax levied under Sect. 40. of 16 & 17 Vict. c. 34. to be deducted from Rent, Interest, &c. at the Rate payable during the Period when the same was accruing.

SCHEDULES.

SCHEDULE (A.)

Containing the Rates and Duties of Customs granted and the Drawbacks allowed on the following Articles by this Act.

On and after the under-mentioned Dates, in lieu of the Duties of Customs now charged on the Articles under mentioned,

tioned, the following Duties of Customs shall be charged thereon, on Importation into Great Britain or Ireland; that is to say,

On and after the Fifth Day of May One thousand eight hundred and sixty-four:

Sugar, viz.:	£	s.	d.
Candy, Brown or White, Refined Sugar, or Sugar rendered by any Process equal in Quality thereto, and Manufactures of Refined Sugar . . . the Cwt.	0	12	10

On and after the Sixteenth Day of April One thousand eight hundred and sixty-four:

Sugar, viz.:	£	s.	d.
White clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined or equal in Quality to Refined . . . . the Cwt.	0	11	8
Yellow Muscovado, and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed the Cwt.	0	10	6
Brown Muscovado Sugar, or Sugar rendered by any Process equal in Quality thereto, and not equal to Yellow Muscovado or Brown Clayed . . . the Cwt.	0	9	4
Any other Sugar not equal in Quality to Brown Muscovado . . the Cwt.	0	8	2
Cane Juice . . . . the Cwt.	0	6	7
Molasses . . . . the Cwt.	0	3	6
Almonds, Paste of . . . the lb.	0	0	1
Cherries, dried . . . the lb.	0	0	1
Comfits, dry . . . . the lb.	0	0	1
Confectionery, not otherwise enumerated the lb.	0	0	1
Ginger (Preserved) . . . the lb.	0	0	1
Marmalade . . . . the lb.	0	0	1
Plums preserved in Sugar . . the lb.	0	0	1
Succades, including all Fruits and Vegetables preserved in Sugar, not otherwise enumerated . . . . the lb.	0	0	1

On and after the under-mentioned Dates, in lieu of the Drawbacks

Drawbacks now allowed thereon, the following Drawbacks shall be paid and allowed on the under-mentioned Descriptions of Refined Sugar on the Exportation thereof to Foreign Parts, or on Removal to the Isle of Man for Consumption there, or on Deposit in any approved Warehouse, upon such Terms and subject to such Regulations as the Commissioners of Customs may direct, for Delivery from such Warehouse as Ships Stores only, or for the Purpose of sweetening British Spirits in Bond; that is to say,

On and after the Fifth day of May One thousand eight hundred and sixty-four:

	£	s.	d.
Upon Refined Sugar in Loaf, complete and whole, or Lumps duly refined, having been perfectly clarified, and thoroughly dried in the Stove, and being of an uniform Whiteness throughout; and upon such Sugar pounded, crushed, or broken in a Warehouse approved by the Commissioners of Customs, such Sugar having been there first inspected by the Officers of Customs in Lumps or Loaves as if for immediate Shipment, and then packed for Exportation in the Presence of such Officers and at the Expense of the Exporter, and upon Candy, for every Cwt.	0	12	10
Upon Refined Sugar unstoved, pounded, crushed, or broken, and not in any way inferior to the Export Standard Sample, No. 1., approved by the Lords of the Treasury, and which shall not contain more than Five per Centum Moisture over and above what the same would contain if thoroughly dried in the Stove, for every Cwt.	0	12	2

And on and after the Twenty-first Day of April One thousand eight hundred and sixty-four:

Upon Sugar refined by the Centrifugal or by any other Process, and not in any way inferior to the Export Standard, No. 3., approved by the Lords of the Treasury, for every Cwt. .	0	12	10
Upon Bastard or Refined Sugar, unstoved, broken in Pieces, or being ground, powdered, or crushed, not in any way inferior to the Export Standard Sample, No. 2., approved by the Lords of the Treasury, for every Cwt. .	0	10	10

Upon

	£	s.	d.
Upon Bastard or Refined Sugar, unstoved, broken in Pieces, or being ground, powdered, or crushed, not in any way inferior to the Export Standard Sample, No. 4., approved by the Lords of the Treasury, for every Cwt. .	0	9	6
Upon Bastard or Refined Sugar being inferior in Quality to the said Export Standard Sample, No. 4., for every Cwt. . . .	0	8	2

In lieu of the Duties of Customs now charged on the undermentioned Articles on their Importation into Great Britain or Ireland, the following Duties of Customs shall be charged on and after the First Day of September One thousand eight hundred and sixty-four; that is to say,

		£	s.	d.
Wheat	the Cwt.	0	0	3
Barley				
Oats				
Rye				
Peas				
Beans				
Maize or Indian Corn . .				
Buckwheat . . .				
Bear or Bigg . . .				

The Duties of Customs now charged on Tea shall continue to be levied and charged,—

On and after the First Day of August One thousand eight hundred and sixty-four until the First Day of August One thousand eight hundred and sixty-five, on Importation into Great Britain or Ireland; that is to say,

		£	s.	d.
Tea	the lb.	0	1	0

SCHEDULE (B.)

Containing the Duties of Excise granted by this Act; that is to say,

On Sugar made in the United Kingdom on and after the Sixteenth Day of April One thousand eight hundred and sixty-four, in lieu of the Duties of Excise now chargeable thereon; (that is to say,)

Candy,

	£	s.	d.
Candy, Brown or White, Refined Sugar, or Sugar rendered by any Process equal in Quality thereto, and Manufactures of Refined Sugar the Cwt.	0	12	10
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined or equal in Quality to Refined . . . . the Cwt.	0	11	8
Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed the Cwt.	0	10	6
Brown Muscovado Sugar, or Sugar rendered by any Process equal in Quality thereto, and not equal to Yellow Muscovado or Brown Clayed the Cwt.	0	9	4
Any other Sugar not equal in Quality to Brown Muscovado . . . the Cwt.	0	8	2
Molasses . . . . the Cwt.	0	3	6

On Sugar used in Brewing:

For and upon every Hundred Weight, and so in proportion for any greater or less Quantity than a Hundred Weight, of all Sugar which on or after the Sixteenth Day of April One thousand eight hundred and sixty-four shall be used by any Brewer of Beer for Sale in the brewing or making of Beer . . 0 3 4

In lieu of the Duty of Excise on such last-mentioned Sugar granted by any former Act.

On Licences to sell Tea, &c.:

	£	s.	d.
For and upon any Licence to be taken out yearly by any Person to trade in or sell Coffee, Tea, Cocoa Nuts, Chocolate, or Pepper, in any House rated to the Relief of the Poor at a Sum less than Eight Pounds per Annum, the Duty of . . .	0	2	6

In lieu of the Duty of Excise now payable upon such Licence.

On Occasional Licences to Refreshment House Keepers, Wine Retailers, Beer Retailers, and Tobacco Dealers; (that is to say,)

For and upon every Occasional Licence to the Keeper of a Refreshment House, for each

and

	£	s.	d.
and every Day for which such Licence shall be granted	Nil.		
For and upon every Occasional Licence to retail Foreign Wine to be consumed at the Place where sold, for each and every Day for which the same shall be granted. .	0	1	0
For and upon every Occasional Licence to retail Beer to be consumed at the Place where sold, for each and every Day for which the same shall be granted	0	1	0
For and upon every Occasional Licence to deal in or sell Tobacco or Snuff, for each and every Day for which the same shall be granted	0	0	4

On Licences to Hawkers and Pedlars:

For and upon any Licence to be taken out on or after the First Day of August One thousand eight hundred and sixty-four, by every Hawker, Pedlar, Petty Chapman, and every other trading Person going from Town to Town, or to other Men's Houses, and travelling either on Foot or otherwise, in Great Britain, carrying to sell or exposing to Sale any Goods, Wares, or Merchandise,

	£	s.	d.
If such Trading Person as aforesaid shall travel and trade on Foot, without any Horse or other Beast bearing or drawing Burthen, and shall carry his Goods, Wares, or Merchandise to and sell or expose for Sale the same at other Men's Houses only, and not in or at any House, Shop, Room, Booth, Stall, or other Place whatever belonging to or hired or occupied or used by him for that Purpose in any Town to which he may travel, the yearly Duty of . . .	2	0	0
And if such trading Person shall travel or trade otherwise than as aforesaid, or with a Horse or other Beast bearing or drawing Burthen, the yearly Duty of . . .	4	0	0
And if such trading Person shall travel or trade with more than One Horse or other Beast bearing or drawing Burthen, then for each and every Horse or other Beast with which he shall so travel, the yearly Duty of .	4	0	0

In lieu of the Duties now chargeable on Licences to Hawkers and Pedlars in Great Britain.

And

And the trading Persons described in the Ninth Section of the Act passed in the Twenty-fourth and Twenty-fifth Years of Her Majesty's Reign, Chapter Twenty-one, shall be deemed to be Hawkers and Pedlars subject to the Duties herein contained.

SCHEDULE (C.)

Containing the DUTIES of STAMPS granted by this Act in lieu of the Stamp Duties now chargeable on the several Instruments, Matters, and Things in this Schedule mentioned.

Fire Insurance.

In lieu of the yearly Per-centage Duty now chargeable for or in respect of any Insurance from Loss or Damage by Fire only, which shall be made or renewed on or after the Twenty-fifth Day of June One thousand eight hundred and sixty-four of or upon any Goods, Wares, or Merchandise, being Stock in Trade, or of or upon any Machinery, Fixtures, Implements, or Utensils used for the Purpose of any Manufacture or Trade, there shall be charged and paid yearly a Duty at and after the Rate of One Shilling and Sixpence per Annum for every One hundred Pounds insured; and when any such Insurance as aforesaid shall be made or renewed at any Time between the Twenty-second Day of April One thousand eight hundred and sixty-four and the said Twenty-fifth Day of June, for any Period of Time extending beyond the said last-mentioned Day, there shall be charged and paid for and in respect of the Time intervening between the making or renewing of the said Insurance and the said Twenty-fifth Day of June, the yearly Percentage Duty at and after the Rate chargeable on the said Twenty-second Day of April, and for and in respect of any subsequent Period, including the said Twenty-fifth Day of June, the Rate of Duty chargeable according to this Resolution; and no Return or Allowance of Duty, except at and after the last-mentioned Rate, shall be made in respect of Time unexpired, or otherwise, on any such Insurance as aforesaid which shall have been made or renewed before the said Twenty-second Day of April One thousand eight hundred and sixty-four.

Letters or Powers of Attorney, Proxies, &c.; (that is to say,)

For and upon any Letter or Power of Attorney:

For the Sale, Transfer, or Acceptance of any of the Government or Parliamentary Stocks or Funds:

	£	s.	d.
If the Value of such Stocks or Funds shall exceed 20*l.*	1	0	0
And if such Value shall not exceed 20*l.* .	0	5	0

For the Receipt of Dividends or Interest of any of the Government or Parliamentary Stocks or Funds, or of the Stocks, Funds, or Shares of or in any Joint Stock Company or other Company or Society whose Stocks or Funds are divided into Shares and transferable:

	£	s.	d.
If the same shall be for the Receipt of One Payment only	0	1	0
And if the same shall be for a continuous Receipt or for the Receipt of more than One Payment	0	5	0

For the Receipt of any Sum of Money, or any Cheque, Note, or Draft for any Sum of Money not exceeding 20*l.* (except in the Cases aforesaid), or any periodical Payment (other than as aforesaid), not exceeding the annual Sum of 10*l.* 0 5 0

Letter or Power of Attorney, Commission, Factory, Mandate, or other Instrument in the Nature thereof:

	£	s.	d.
For the sole Purpose of appointing, nominating, or authorizing any Person to vote as a Proxy or otherwise at One Meeting of the Proprietors or Shareholders of any Joint Stock or other Company, or of the Members of any Society or Institution, or of the Contributors to the Funds thereof, or at One Meeting of any Body exercising a public Trust, in the United Kingdom, or to vote at One Parish Meeting of Heritors or Proprietors of Real or Heritable Property in Scotland	0	0	1
Voting Paper; (that is to say,)			
Any Instrument for the Purpose of voting by any Person entitled to vote at any such Meeting as aforesaid in any Part of the United Kingdom	0	0	1

For and upon any Letter or Power of Attorney made by any Petty Officer, Seaman, Marine, or Soldier serving as a Marine, or by the Executors or Administrators of any such Person—

	£	s.	d.
For receiving Prize Money or Wages	0	1	0

For

	£	s.	d.
For and upon any Letter or Power of Attorney of any other Kind or Commission or Factory in the Nature thereof	1	10	0

Exemptions.

Any Letter of Attorney for the Receipt of Dividends of any definite and certain Share of the Government or Parliamentary Stocks or Funds producing a yearly Dividend of less than 3*l.*

Any Letter or Power of Attorney or Proxy filed in any Ecclesiastical Court.

Appointments to Ecclesiastical Benefices, &c.

For and upon any Donation or Presentation, by whomsoever made, of or to any Ecclesiastical Benefice, Dignity, or Promotion:

Also for and upon any Collation by any Archbishop or Bishop or by any other ordinary or competent Authority to any Ecclesiastical Benefice, Dignity, or Promotion:

Also for and upon any Institution granted by any Archbishop, Bishop, Chancellor, or other Ordinary, or by any Ecclesiastical Court, to any Ecclesiastical Benefice, Dignity, or Promotion, proceeding upon the Petition of the Patron to be himself admitted and instituted, and not upon a Presentation:

Also for and upon any Nomination by Her Majesty, Her Heirs or Successors, or by any other Patron, to any Perpetual Curacy:

Also for and upon any Licence to hold a Perpetual Curacy not proceeding upon a Nomination:

Where the net yearly Value of any such Benefice, Dignity, Promotion, or Perpetual Curacy—

	£	s.	d.
Shall exceed 50*l.* and not exceed 100*l.*	1	0	0
„ 100*l.* „ 150*l.*	2	0	0
„ 150*l.* „ 200*l.*	3	0	0
„ 200*l.* „ 250*l.*	4	0	0
„ 250*l.* „ 300*l.*	5	0	0
And where such Value shall exceed 300*l.*	7	0	0
And also (where such Value shall exceed 300*l.*) for every 100*l.* thereof over and above the first 200*l.* a further Duty of .	5	0	0

Note.—The yearly Value of such Benefice, Dignity, Promotion, or Perpetual Curacy in any and every of the Cases aforesaid to be ascertained and

and determined by the Certificate of the Ecclesiastical Commissioners for England and Ireland respectively, to be written on the Instrument charged with Duty; provided always, that Two or more Benefices, or a Benefice and any other Ecclesiastical Preferment episcopally or permanently united shall be deemed One Benefice only.

	£	s.	d.
Also for and upon any Collation, Institution, or Admission by any Presbytery or other competent Authority to any Ecclesiastical Benefice in Scotland	2	0	0

Exemptions.

1. Any Collation or Appointment by any Archbishop or Bishop to any Cathedral, Prebend, Dignity, or Honorary Canonry having no Endowment or Emolument attached thereto.
2. Any Institution proceeding upon a Presentation.
3. Any Licence to hold a Perpetual Curacy proceeding upon a Nomination.

SCHEDULE (D.)

Containing the Rates and Duties of Income Tax granted by this Act.

For One Year commencing on the Sixth Day of April One thousand eight hundred and sixty-four, for and in respect of all Property, Profits, and Gains mentioned or described as chargeable in the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, the following Rates and Duties; (that is to say,)

For every Twenty Shillings of the annual Value or Amount of all such Property, Profits, and Gains (except those chargeable under Schedule (B.) of the said Act), the Rate or Duty of Sixpence.

And for and in respect of the Occupation of Lands, Tenements, Hereditaments, and Heritages chargeable under Schedule (B.) of the said Act, for every Twenty Shillings of the annual Value thereof—

In England the Rate or Duty of Threepence:

And in Scotland and Ireland respectively the Rate or Duty of Twopence Farthing:

Subject

Subject to the Provisions contained in Section Three of an Act passed in the last Session of Parliament, Chapter Twenty-two, for the Exemption of Persons whose whole Income from every Source is under One hundred Pounds a Year, and the Relief of those whose Income is under Two hundred Pounds a Year.

CAP. XIX.

An Act to enable Joint Stock Companies carrying on Business in Foreign Countries to have Official Seals to be used in such Countries.—[13*th* May 1864.]

WHEREAS there have been and may be established in the United Kingdom Companies whose Business is to be carried on in Countries not situate in the United Kingdom, and it is convenient and desirable that Investments may be made, and Mortgages, Conveyances, and Leases taken, and Contracts and Engagements entered into, on behalf of the Company, in such Countries, in the Name of the Company: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The Companies Seals Act, 1864."

Power to Companies to have an Official Seal.

II. Any Company, under "The Companies Act, 1862," whose Objects require or comprise the Transaction of Business, as herein-before mentioned, in Foreign Countries, may cause to be prepared an Official Seal for and to be used in any Place, District, or Territory situate out of the United Kingdom in which the Business of the Company shall be carried on, and every such Official Seal may and shall be a Facsimile of or as nearly as practicable a Fac-simile of the Common Seal of the Company, with the Exception that on the Face thereof shall be inscribed the Name of each and every Place, District, or Territory in and for which it is to be used: Provided that it shall be lawful for any such Company as aforesaid from Time to Time to break up and renew any Official Seal or Seals, and to vary the Limits within which it is intended to be used.

Power to Companies to appoint Agents

III. Every Company having or using any such Official Seal as is authorized by this Act may from Time to Time, by any Instrument or Instruments in Writing under the Common Seal

abroad to affix Seals.

Seal of the Company, empower any Agent or Agents specially appointed for the Purpose, or any local Agent, Board, Committee, Manager, or Commissioner appointed under the Provisions of the Articles of Association of such Company, in any Place, District, or Territory situate out of the United Kingdom where the Business of the Company shall for the Time being be carried on, to affix such Official Seal to any Deed, Contract, or other Instrument to which the Company is or shall be made a Party in such Place, District, or Territory, and no other Order of the Company or the Board of Directors thereof shall be necessary to authorize any such Seal to be affixed to any Deed, Contract, or other Instrument.

As to the Duration of Powers granted under Sect. 3. of this Act.

IV. Every Power granted under the last preceding Section shall, as between the Company, their Successors and Assigns, on the one hand, and the Person or Persons dealing with the Agent or Agents, Board, Committee, Manager, or Commissioner named in the Instrument conferring the Power, and all Parties claiming through or under such Person or Persons, on the other hand, continue in force during the Period, if any, mentioned in the Instrument conferring the Power, or if no Power be there mentioned then until Notice of the Revocation or Determination of the Power shall have been given to such Person or Persons as aforesaid.

Person affixing Seal to Document to certify the Date when so affixed.

V. Whenever any such Official Seal as aforesaid shall be affixed to any Document, the Person affixing the same shall, by Writing under his Hand, and written on the Document to which the Seal may have been affixed, certify the Date when and the Place where the same was affixed; and any Document to which any such Seal shall have been duly affixed within the District or Territory or Place the Name whereof is inscribed on such Seal shall bind the Company in the same Way and to the same Extent and have the same Force and Effect as if it had been duly sealed with the Common Seal of the Company.

Companies not to exercise Powers of Act unless authorized.

VI. The Powers given by this Act shall be exercised by such Companies only as are or shall be expressly authorized to exercise the same by their Articles of Association, or a special Resolution passed according to the Provisions of "The Companies Act, 1862," and shall be exercised by such Companies subject to any Directions or Restrictions in their Articles of Association or the special Resolutions contained.

Section 55 of 25 & 26 Vict. c. 89 not repealed.

VII. Nothing in this Act contained shall operate to repeal the Provisions of the Fifty-fifth Section of "The Companies Act, 1862," but such Section shall continue in force, and all Acts done or to be done thereunder shall be as valid and effectual as if this Act had not been passed.

CAP. XX.

An Act to remove certain Restrictions on the Negotiation of Promissory Notes and Bills of Exchange under a limited Sum in Ireland.—[13*th* May 1864.]

CAP. XXI.

An Act to indemnify certain Persons from any penal Consequences which they may have incurred by sitting and voting as Members of the House of Commons while holding the Office of Under Secretary of State.—[23*d* June 1864.]

CAP. XXII.

An Act to amend the Laws which regulate the Registration of Parliamentary Voters in Counties in Ireland.—[23*d* June 1864.]

CAP. XXIII.

An Act to repeal Enactments relating to Naval Prize of War and Matters connected therewith, or with the Discipline or Management of the Navy.—[23*d* June 1864.]

CAP. XXIV.

An Act to provide for the Appointment, Duties, and Remuneration of Agents to Ships of War, and for the Distribution of Salvage, Bounty, Prize, and other Money among the Officers and Crews thereof. —[23*d* June 1864.]

CAP. XXV.

An Act for regulating Naval Prize of War.—[23*d* June 1864.]

CAP. XXVI.

An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," *relating to the Districts of* Southampton, Brighton, Hexham, Oswaldtwistle, Bolton, Ashford, Oswestry, Fareham, West Cowes, *and* Wilton.—[23*d* June 1864.]

CAP. XXVII.

An Act for regulating the Proving and Sale of Chain Cables and Anchors.—[23*d* June 1864.]

CAP. XXVIII.

An Act to amend "The Common Law Procedure (Ireland) *Act,* 1853," *in relation to Jurors and Juries in the County of* Cork.—[23*d* June 1864.]

CAP. XXIX.

An Act to amend the Act Third and Fourth Victoria, *Chapter Fifty-four, for making further Provision for the Confinement and Maintenance of Insane Prisoners.*—[23*d* June 1864.]

§ VII. This Act shall extend to *England* and *Wales* only.

CAP. XXX.

An Act to provide for the Alteration of the Circuits of the Court of Justiciary in Scotland, *and for holding additional Circuit Courts.*—[23*d* June 1864.]

WHEREAS it is expedient to make Provision for altering the Circuits of the Court of Justiciary in *Scotland:* Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Her Majesty in Council to alter Circuits of Court of Justiciary in Scotland.

I. It shall be lawful for Her Majesty in Council, from Time to Time as Her Majesty in Council may think fit, to alter the Circuits of the Court of Justiciary in *Scotland*, or any of them, to form new Circuits, to fix and determine the Limits of each existing or new Circuit, and the Counties or Portions of Counties, Cities or Burghs, and Districts, which shall be included within the same, to detach any County or Portion of a County from any Circuit, and to include the same in any other existing or new Circuit, and also to fix and determine the Places at which the Circuit Courts shall be held within each such Circuit, and to alter such Places: Provided always, that Circuit Courts shall continue to be held at such Towns as are appointed for keeping and holding Circuit Courts by an Act of the Parliament of *Scotland*, Number Forty, made in the Year One thousand six hundred and seventy-two, intituled *An Act concerning the Regulation of Judicatories*, and an Act passed in the Twentieth Year of His Majesty King *George* the Second, Chapter Forty-three, intituled *An Act for taking away and abolishing the Heritable Jurisdictions in* Scotland.

Orders in Council to be published, and Date of taking effect.

II. Every Order to be made by Her Majesty in Council in pursuance of this Act shall be published in such Manner as Her Majesty in Council may direct, and shall take effect from the Date thereof, or from such other Date as may be specified therein: Provided always, that before any such Order shall be made for altering the present Arrangement, Notice thereof shall be published in the *Edinburgh Gazette* at least Three Months previously, and an Opportunity given to be heard thereon, to the Lord Lieutenant, the Sheriffs, Justices of Peace, Commissioners of Supply, and the Magistrates of Burghs of the Counties to be affected by the proposed Change.

III. It shall be lawful for the Judges of the Court of Justiciary,

Power to Court of Justiciary to make Orders and Regulations.

ticiary, and they are hereby required, from Time to Time, to make such Orders and Regulations, and to pass such Acts of Adjournal, as may be necessary for carrying into effect the Provisions of this Act, and of any Order to be made by Her Majesty in Council in pursuance thereof.

CAP. XXXI.

An Act to settle an Annuity on Mary Louisa *Countess of* Elgin and Kincardine, *in consideration of the distinguished Services performed by the late* James *Earl of* Elgin and Kincardine.—[30*th* June 1864.]

CAP. XXXII.

An Act to enable certain Banking Copartnerships which shall discontinue the Issue of their own Bank Notes to sue and be sued by their public Officer. —[30*th* June 1864.] (England.)

CAP. XXXIII.

An Act to facilitate the Commutation and Sale of certain Vicarage Teinds in Scotland.—[30*th* June 1864.]

Parl. 1. (1633) of Charles I., cc. 17. 19.

Parl. 1. Sess. 2. (1690) of Will. & Mar. c. 30.

WHEREAS by Two Acts, being respectively the Seventeenth and Nineteenth of the First Parliament of His Majesty King *Charles* the First, held at *Edinburgh* in the Year Sixteen hundred and thirty-three, Provision was made for the Valuation and Sale of Teinds, Parsonage and Vicarage, to those Persons liable in Payment of the same, except in so far as such Teinds had been previously assigned to the Minister serving the Cure: And whereas by the Thirtieth Act of the Second Session of the First Parliament of Their Majesties King *William* and Queen *Mary*, held at *Edinburgh* in the Year Sixteen hundred and ninety, intituled *An Act and Commission for Plantation of Kirks and Valuation of Teinds*, it was, *inter alia*, enacted, that the Rules contained in the foresaid Acts for the Valuation and Sale of Teinds shall extend to all Teinds, "except such as "belong

"belong to and are possest by Ministers for their Stipends and "Provisions, which are only to be valued, but not to be sold or "bought:" And whereas by the Ninth Act of the Fourth Session of Queen *Anne*'s First Parliament, held at *Edinburgh* in the Year Seventeen hundred and seven, intituled *Act anent Plantation of Kirks and Valuation of Teinds*, it was, *inter alia*, enacted, that the Lords of Council and Session shall judge, cognosce, and determine in all Affairs and Causes whatsoever which by the Laws and Acts of Parliament of the Kingdom of *Scotland* were formerly referred to and did pertain and belong to the Jurisdiction and Cognizance of the Commissioners for Plantation of Kirks and Valuation of Teinds: And whereas there are several Parishes in *Scotland* in which Vicarage Teinds on Fish are payable to the Ministers, and form Part of their Stipends; and it is expedient that Provision should be made for the Commutation of such Teinds: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Parl. 1. Sess. 4. (1707) of Anne, c. 9.

I. This Act may be cited for all Purposes as "The Fish Teinds (*Scotland*) Act, 1864." Short Title.

II. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them: Interpretation of Terms.

"Fish Teinds" shall mean the Vicarage Teinds on Fish payable to the Minister of any Parish in *Scotland*, and forming Part of his Stipend:

"Presbytery" shall mean the Presbytery of the Bounds within which such Parish is situate:

"Sheriff" shall mean the Sheriff of the County in which such Parish is situate, or, in the Case of a Parish situate partly in one County and partly in another, the Sheriff of the County in which the larger Portion of such Parish is situate, and shall include Sheriff Substitute:

"Sheriff Clerk" shall mean the Sheriff Clerk of such County.

III. The Provision in the recited Act of Sixteen hundred and ninety, Chapter Thirty, that Teinds belonging to and possessed by Ministers for their Stipends and Provisions may only be valued, but are not to be sold or bought, shall, as regards Vicarage Teinds on Fish, be and the same is hereby repealed, in so far as inconsistent with the Provisions of this Act, but no further. Repeal of Provision in Act of 1690, c. 30.

IV. In any Parish in which there are Fish Teinds it shall be lawful for the Minister of the Parish, the Presbytery, and the Persons liable in Payment of Fish Teinds, to enter into an Agreement for the Commutation or Redemption of the Fish Teinds Parties interested may commute Fish Teinds by Agreement.

Teinds, and to contract for the Substitution of a Capital Sum to be raised and invested as herein-after provided.

Persons liable in Fish Teinds may petition Sheriff to call a Meeting.

V. Any Ten Persons liable in the Payment of Fish Teinds, or who have paid or have been required to pay Fish Teinds within the Period of Twelve Months immediately preceding the Date of the Application after mentioned, or in any Parish where less than Ten Persons are so liable or have been so required to pay Fish Teinds, then the whole of such Persons may apply by Petition to the Sheriff to summon a Meeting of the whole Persons resident in the Parish who are liable in Payment of Fish Teinds, for the Purpose of taking into consideration the Commutation of the Fish Teinds under the Provisions of this Act.

Roll of Persons liable in Fish Teinds to be made up.

VI. Within Eight Days after the Presentation of such Petition the Sheriff shall pronounce an Order on the Minister of the Parish or the Collector of the Fish Teinds to lodge with the Sheriff Clerk within a Period to be specified in such Order a Roll of the Persons liable or held to be liable in Payment of such Teinds for the Year then current; and after the Roll has been lodged the Sheriff shall direct the same to be printed, and Copies thereof to be affixed for Fourteen Days on the principal Door of the Parish Church and on other public Places within the Parish; and immediately after the Expiry of that Period the Sheriff Clerk shall proceed to revise the Roll, and within Fourteen Days after such Expiry may, on Cause shown, expunge the Name of any Person therefrom, if satisfied that his Name has been erroneously entered therein, but only after giving due Intimation to such Person of the Intention so to do; and the Sheriff Clerk may also, if satisfied that the Name of any Person has been unduly omitted from the Roll, add his Name thereto, and the Roll so revised shall be attested and signed by the Sheriff and Sheriff Clerk, and shall be final and conclusive in regard to all Matters and Things to be done under the Provisions of this Act; and the Roll shall remain in the Custody of the Sheriff Clerk, who shall deliver a Copy thereof to any Person applying for the same, on Payment for such Copy at the Rate of Sixpence for every One hundred Names copied.

Meeting of Persons named in the Roll to be called by Sheriff.

VII. On the Completion and Attestation of the Roll the Sheriff shall summon a Meeting of the Persons whose Names are entered therein to be held in some convenient Place within the Parish, and shall intimate the Time and Place for holding such Meeting and the Purpose thereof by Advertisement, signed by the Sheriff Clerk, printed Copies of which shall be affixed on the principal Door of the Parish Church and on other public Places within the Parish, as the Sheriff shall direct, at least Eight Days previous to the Day of holding such Meeting, and the Sheriff shall preside thereat; and such Meeting may resolve that

that the Fish Teinds payable in such Parish shall be commuted under the Provisions of this Act, and may approve of any Deed of Agreement between the Minister of the Parish, the Presbytery, and the Persons liable in Payment of Fish Teinds, which may then be submitted for that Purpose, or may resolve to adjourn to a Second Meeting to be held within Twenty-one Days thereafter, in order to prepare and consider any such Deed of Agreement, or may resolve to submit the Terms of such Commutation to Arbitration; and all Questions arising at such Meeting or adjourned Meeting shall be decided by the Votes of a Majority of the Persons present thereat, and whose Names are on the Roll, and such Decision shall be binding on all Persons whose Names are on the Roll.

Meeting may resolve to approve of Agreement, or to enter into a Submission.

VIII. If it shall be determined by a Majority of the Persons present and voting at such Meeting or adjourned Meeting to approve of such Deed of Agreement, or to enter into a Submission, as herein-after provided, the Meeting or adjourned Meeting shall elect Three of their Number to subscribe such Deed of Agreement or Deed of Submission on behalf of the whole Persons resident in the Parish who are liable in Payment of Fish Teinds, and such Subscription shall bind the whole Persons so liable in all Time coming: Provided that in the event of the Inability by Death or otherwise of any of the Three Persons so elected, the Subscription of the remaining Two shall be as valid and binding as if the Three Persons had subscribed such Deed of Agreement or Deed of Submission.

Submission to One Person as sole Arbiter may be entered into.

IX. In the event of the Majority of the Persons present and voting at any such Meeting or adjourned Meeting resolving that a Deed of Submission shall be entered into with the Minister of the Parish and the Presbytery, for the Purpose of having the Fish Teinds commuted, according to the Judgment and Award of One Person as sole Arbiter, such Arbiter shall be chosen and appointed by the Minister of the Parish, the Presbytery, and the Three Persons elected at such Meeting, One Vote being given by the said Three Persons collectively, One Vote by the Minister, and One Vote by the Presbytery.

Presbytery to be bound by Signatures of Moderator and Clerk.

X. Any Deed of Agreement or Deed of Submission to be entered into by the Presbytery, under the Provisions of this Act, shall be binding on the Presbytery if signed by the Moderator and Clerk thereof for the Time being with the Authority of the Presbytery.

Proceedings before Arbiter.

XI. The Arbiter under any such Deed of Submission may take all necessary Proceedings, and allow the Parties to lead Evidence and to be heard *vivâ voce*, or to give in Statements in Writing, as he thinks fit; and in his Award he shall fix the Capital Sum to be paid for the Commutation of the Fish Teinds,

Teinds, and the Date at which the same is to be paid, and shall decern for Payment of the Expenses incurred in the Submission; and he may find any of the Parties to the Submission liable in Expenses to any of the other Parties, and may modify the same as he thinks fit; and his Award shall be final and binding on all the Parties to the Submission.

Agreement or Final Award to be recorded in Sheriff Court Books.

XII. Within Three Weeks after any Deed of Agreement has been completed, or after any Final Award has been pronounced and issued, under the Provisions of this Act, the same shall be transmitted to the Sheriff Clerk, and shall be recorded in the Sheriff Court Books of the County; and all Expenses incurred by the Sheriff Clerk in the Execution of this Act, including reasonable Remuneration for his Trouble (to be fixed by the Sheriff in case of Difference), shall be paid by the Persons resident in the Parish who are liable in Payment of Fish Teinds.

Capital Sum to be raised and invested on Heritable Security.

XIII. The Capital Sum fixed by such Deed of Agreement or by the Award of the Arbiter shall be raised and provided by the Persons resident in the Parish who are liable in Payment of Fish Teinds, and shall, under the Direction of the Sheriff and of the Procurator and Agent of the Church of *Scotland*, be invested on approved Heritable Security, in the Names of the Moderator and Clerk of the Presbytery and of the Procurator of the said Church, all for the Time being, and their Successors in Office, as Trustees for the Management of the said Capital Sum; and the said Trustees shall, after Deduction of any necessary Expenses, pay over half-yearly the Interest accruing on the said Capital Sum to the Minister of the Parish for the Time being, and they may from Time to Time change the said Security, and re-invest the said Capital Sum on approved Heritable Security in the Names of the Trustees for the Time being.

Payment of Fish Teinds to cease after Commutation.

XIV. In any Parish in which the Fish Teinds have been commuted, and the said Capital Sum has been raised and invested, under the Provisions of this Act, all Right on the Part of the Minister of the Parish to collect or receive Fish Teinds, and all Liability for the Payment of Fish Teinds, shall cease and determine from and after the Date of such Deed of Agreement or Award, as the Case may be, or from and after any other Date which may be specified therein respectively, and in all Time coming.

Where Submission has been entered into by Minister of any Parish

XV. Wherever in any Parish where Fish Teinds are payable a Submission has, before the passing of this Act, been entered into by the Minister of such Parish, the Presbytery and those liable in the said Teinds, or Persons authorized to act for them for the Commutation of the said Teinds and for a Settlement of any Arrears of the said Teinds, or for either of such Purposes,

poses, and there has been an Award under such Submission finding the Capital Sum for which the said Teinds shall be commuted and the Terms on which such Arrears, if any, shall be settled, then the said Submission and the said Award and the Findings comprised therein shall be held valid and binding on the Parties to the said Submission, and it shall be competent to any of such Parties to lay the said Submission and Award before the Sheriff of the County in which such Parish is situated, and the Sheriff, after such Intimation as he shall think fit, shall inquire into and determine whether the said Submission has been entered into by the proper Parties or by Persons duly authorized to act for them, and whether the Questions submitted have been ascertained and decided by the said Award; and the said Sheriff shall have Authority to direct the Sheriff Clerk of the said County to engross the said Award in the Sheriff Court Books in the said County, and to fix the Costs of all Proceedings before him, and such Deliverance shall be final and conclusive, and thereupon such Award shall be as binding and effectual as if it had been specially ratified by this Act.

before passing of this Act, Presbytery to be bound by Award, &c.

CAP. XXXIV.

An Act for amending the Law relating to Seats in the House of Commons of Persons holding certain Public Offices.—[30*th* June 1864.]

WHEREAS by the Act of the Session of the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, Chapter One hundred and six, it is provided that after the Commencement of that Act any Four of Her Majesty's Principal Secretaries of State for the Time being, and any Four of the Under Secretaries for the Time being to Her Majesty's Principal Secretaries of State, may sit and vote as Members of the House of Commons, but no more than Four such Principal Secretaries and not more than Four such Under Secretaries shall sit as Members of the House of Commons at the same Time: And whereas it is expedient to explain and amend the said Act: And whereas similar Provisions are or may be contained in other Acts now in force or to be hereafter passed with respect to Persons holding other Offices, and it is expedient that the same Rules shall be established for all such Cases: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of

21 and 22 Vict. c. 106. s. 4.

of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provision in Case of Person accepting Office of Under Secretary when Four Under Secretaries are sitting in the House of Commons.

I. If at any Time when Four of the Under Secretaries for the Time being to Her Majesty's Principal Secretaries of State are Members of the House of Commons, any other Person, being a Member of that House, accepts the Office of Under Secretary of State to any of the said Principal Secretaries, the Election of such Person shall be and the same is hereby declared to be void, and a Writ shall be issued for a new Election.

A Member whose Election is so declared to be void (and also any Person who, not being a Member, holds the Office of Principal Secretary of State or Under Secretary to One of Her Majesty's Principal Secretaries of State,) shall be incapable of being elected or sitting as a Member of the House of Commons during such Time as he holds such Office, and Four other Principal Secretaries or Under Secretaries respectively, as the Case may be, are Members of the House of Commons, but not for any further or longer Period.

Provision in case of more Secretaries or Under Secretaries of State being chosen at a General Election than are capable of sitting.

II. If at any General Election there are returned as Members to serve in Parliament a greater Number of Persons holding the Office of Principal Secretary of State or the Office of Under Secretary of State than are permitted by Act of Parliament to sit and vote in the House of Commons, the Election of such Persons shall not be invalidated by reason of such Excess; but no One of such Persons shall be capable of sitting or voting in the House of Commons until the Number of Persons returned as Members and holding the same Office as himself is reduced by Death, Resignation, or otherwise to the Number permitted by Law to sit in the House of Commons.

If any Person sits or votes in the House of Commons in contravention of this Section he shall be liable to a Penalty not exceeding Five Hundred Pounds for each Day during which he so sits or votes.

Provision in case of other Offices.

III. In all Cases in which by any Act now in force, or to be hereafter passed, any Limit is or shall be imposed upon the Number of Persons holding any other Office who may at the same Time sit or vote as Members of the House of Commons, the Rules established by this Act with reference to Persons holding the Office of Under Secretary of State shall be applied in the same Manner as if such other Office had been expressly mentioned in this Act, unless special Provision shall be made to the contrary.

IV. No Election of any Member of the House of Commons elected

elected previously to the passing of this Act shall be deemed to have become void by reason only of any Excess which may have occurred, previously to the passing of this Act, in the Number of Members of the said House holding the same Office for the Time being beyond the Number limited by Law. Provision as to Members elected previously to passing of this Act.

CAP. XXXV.

An Act for more effectually regulating the Sale of Beer in Ireland.—[30*th* June 1864.]

CAP. XXXVI.

An Act to amend the Law relative to the Payment of the Shares of Prize and other Money belonging to deceased Officers and Soldiers of Her Majesty's Land Forces.—[30*th* June 1864.]

CAP. XXXVII.

An Act to amend and extend the Act for the Regulation of Chimney Sweepers.—[30*th* June 1864.]

WHEREAS by the Act of the Session of the Third and Fourth Years of Her Majesty Queen *Victoria* (Chapter Eighty-five), "for the Regulation of Chimney Sweepers and Chimneys," Provision was made to prevent any Person compelling or knowingly allowing a Child or young Person under the Age of Twenty-one Years to ascend or descend a Chimney or enter a Flue for the Purpose of sweeping, cleaning, or coring the same, or for extinguishing Fire therein: 3 & 4 Vict. c. 85.

And whereas it is expedient to amend in some Particulars and to extend the said Act (hereafter in this Act called the Principal Act):

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

General.

Short Titles.

I. This Act may be cited as "The Chimney Sweepers Regulation Act, 1864;" the Principal Act may be cited as "The Chimney Sweepers and Chimneys Regulation Act, 1840;" and the Principal Act and this Act may be cited together as "The Chimney Sweepers and Chimneys Regulation Acts, 1840 and 1864."

Commencement of Act.

II. This Act shall commence and take effect on the First Day of *November* One thousand eight hundred and sixty-four.

Interpretation of Terms.

III. In this Act—

The Term "Sheriff" includes Stewart:

The Term "Chimney Sweeper" means a Person using the Trade or Business of a Chimney Sweeper.

This Act to be construed with Principal Act.

IV. This Act shall be construed together with the Principal Act as One Act, and for this Purpose the Expression "this Act" when used in the Principal Act shall be taken to include the present Act.

Application of Penalties.

V. Any pecuniary Penalty recovered under this Act shall be applied as directed in the Principal Act.

Protection of Children and Young Persons.

Restriction on Employment of Children under Ten.

VI. It shall not be lawful for a Chimney Sweeper to employ a Child under the Age of Ten Years to do or assist in doing any Work or Thing in or about the Trade or Business of such Chimney Sweeper elsewhere than within the House or Place of Business of such Chimney Sweeper, or the Yard or Buildings (if any) connected therewith.

Chimney Sweepers entering Houses to sweep Chimneys, &c. not to bring with him Persons under Sixteen.

VII. It shall not be lawful for a Chimney Sweeper, on any Occasion of his entering a House or Building for the Purpose of sweeping, cleaning, or coring a Chimney or Flue therein or belonging thereto, or for extinguishing Fire in any such Chimney or Flue, to cause or knowingly allow a Person under the Age of Sixteen Years in his Employment or under his Control to enter before, with, or after him into any Part of such House or Building, or to be therein for any Part of the Time during

during which such Chimney Sweeper himself continues therein for any such Purpose as aforesaid.

Penalties for beforenamed Offences.

VIII. If any Chimney Sweeper acts in contravention of either of the foregoing Enactments, he shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

Power to Justices to impose Imprisonment.

IX. Where under Section Two of the Principal Act a Chimney Sweeper is convicted of the Offence of compelling or knowingly allowing a Person under the Age of Twenty-one Years to ascend or descend a Chimney or enter a Flue for any Purpose in that Section mentioned, the Justices or Sheriff before whom he is convicted may, in lieu of the Imposition of any such pecuniary Penalty as is authorized by that Section, adjudge the Offender to be imprisoned in the Common Gaol or House of Correction for any Term not exceeding Six Months, with or without Hard Labour.

Burden of Proof of Age to lie on Chimney Sweeper.

X. In any Prosecution of a Chimney Sweeper for any Offence against the Principal Act or against this Act, where the Age of any young Person or Child comes in question, the Proof of the Age of such young Person or Child shall lie on the Defendant.

Abolition of minimum Penalty.

XI. Section Two of the Principal Act shall be read as if the Words "or less than Five Pounds" were omitted therefrom.

CAP. XXXVIII.

An Act to facilitate the Redemption of Chief Rents in Ireland.—[30*th* June 1864.]

CAP. XXXIX.

An Act to amend the Union Assessment Committee Act (1862).—[14*th* July 1864.] (England.)

CAP. XL.

An Act for authorizing the Relinquishment in favour of the King of the Hellenes of certain Money payable

able in respect of the Greek *Loan.*—[14*th* July 1864.]

CAP. XLI.

An Act for confirming a Scheme of the Charity Commissioners for the Charity called "The Free Grammar School" in the City of Coventry.—[14*th* July 1864.]

CAP. XLII.

An Act to provide for Superannuation Allowances to Officers of Unions and Parishes.—[14*th* July 1864.]

CAP. XLIII.

An Act to grant additional Facilities for the Purchase of small Government Annuities, and for assuring Payments of Money on Death.—[14*th* July 1864.]

16 & 17 Vict. c. 45.

WHEREAS under the Act Sixteenth and Seventeenth *Victoria*, Chapter Forty-five, Deferred Annuities of small Amounts can only be granted upon the Condition that the full Amount required to purchase such Annuities shall be paid in One Sum, or by Annual Payments during a course of Years fixed at the Time of Purchase: And whereas under the said Act Contracts for Payment of a Sum of Money on Death cannot be entered into except upon the Condition that the Party contracting for such Payment on Death shall at the same Time purchase a Deferred Annuity depending upon his or her own Life: And whereas it is expedient to amend the said Act: Be it therefore enacted by the Queen's most Excellent Majesty, by

by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Deferred Annuities may be granted if Sum required be paid in smaller Instalments.

I. Deferred Annuities, authorized to be granted by the Second Section of the said Act, may be granted upon the Condition, to be fixed at the Time of Purchase, that the Sum required under the said Act to purchase such Annuity shall be payable in smaller Instalments and at shorter Periods than are now fixed by the said Act.

Such Annuities may be granted to Extent of 50*l.*

II. Annuities authorized to be granted under the Second Section of the said Act may be granted in Amounts exceeding the Limit of Thirty Pounds fixed by the said Act, but no such Annuity shall be granted to any One Person to an Amount exceeding Fifty Pounds *per Annum.*

Portion of Sect. 10 of recited Act repealed.

III. So much of the Tenth Section of the said Act as requires that a Deferred Annuity shall be purchased by any Person contracting with the Commissioners for the Reduction of the National Debt for Payment of a Sum of Money on Death shall be and the same is hereby repealed.

Limit on Age of Persons insured.

IV. No Contract for a Payment on Death shall be entered into by or on behalf of any Person under the Age of Sixteen or over the age of Sixty Years.

Limit of Sum insured.

V. No Contracts for Payment to be made on the Death of any One Person under this and the said Act shall be for a greater Amount in the whole than One hundred Pounds, or of a less Amount than Twenty Pounds.

Power to construct fresh Tables for Annuities and Insurances.

VI. Whereas by the Sixteenth Section of the said Act it is enacted that the Commissioners of Her Majesty's Treasury may from Time to Time direct the Commissioners for the Reduction of the National Debt to use and adopt such Tables as shall from Time to Time be authorized and approved of by the said Commissioners of the Treasury for the Grant of Annuities and for Payment of Sums of Money to be secured at Death under the Provisions of the said Act: And whereas it is expedient that the Fund to be formed by the Receipt of Sums on account of all such Contracts effected under the said Act and this Act shall be adequate to meet all Claims accruing and to accrue thereon, so as to render certain the Fulfilment of all Engagements to Persons contracting for such Annuities or Payments on Death, or for any Compositions or Sums agreed to be granted upon the Lapse of any Contract, without entailing any Charge in respect thereof, or in respect of Costs and Expenses on the Consolidated Fund of the United Kingdom: Be it enacted, therefore, That the said Commissioners of Her Majesty's Treasury shall cause Tables to be constructed in accordance with the Principles above recited, upon which Annuities

Annuities or Payments on Death shall be contracted for under the said Act and this Act, and the said Tables shall be framed, first, for such Contracts as shall provide for the Consideration Money in One Sum; second, for such Contracts as shall provide for the like Payments in annual Sums; and, third, for such Contracts as shall provide for the like Payments by more frequent Instalments; and such Tables, when the Commissioners of Her Majesty's Treasury have approved of the same, shall, together with a Statement of the Rules observed in constructing them, be laid before both Houses of Parliament for Thirty Days before they shall be acted upon; and if any Address shall be presented to Her Majesty from either House of Parliament praying that such Tables may be revoked and cancelled, such Tables shall be revoked and cancelled accordingly; and thereupon the Commissioners of Her Majesty's Treasury shall order other Tables to be framed for their Approval in lieu of the Tables so revoked and cancelled. The Tables for Payments on Death shall be calculated, so far as the Interest of Money is concerned, at the Rate of Three *per Centum per Annum*.

This Act not to come in force until Tables can be legally acted on.

VII. Until the Tables made in pursuance of this Act can be legally acted on, this Act shall not come into force so far as to enable any Grant to be made of an Insurance on the Life of any Person or any Grant to be made of any Annuity the Consideration Money for which is paid by Instalments more frequent than annual Instalments.

Provision in case of Default by Purchasers after Five Years Payments.

VIII. In case any Person who shall contract under the Provisions of the said Act and of this Act for a Payment to be made at Death, after having paid the several Premiums for a Period of not less than Five Years, shall desire to surrender his Policy, or shall make default in the Payments stipulated to be made according to the Contract, the Commissioners for the Reduction of the National Debt, at the Option of the Party beneficially interested in the Contract, shall pay to such Person such Sum of Money, not being less than One Third of the Premiums paid by him, as shall be fixed by the Regulations authorized to be framed under the Provisions of this Act, or shall grant to him such a paid-up Policy of Assurance, or such an Immediate or Deferred Life Annuity, under the Tables in force under the Authority of the said Act or this Act, as shall be equivalent in Value to the Sum which under the Provisions of this Act would be paid to him in Money; but it shall also be lawful for the said Commissioners, if they think fit, to enter into Contracts for Payments to be made at Death, on the Condition that no Portion of the Premiums paid are to be returnable; and no Premium shall be

be returned in pursuance of this Section in respect of any Contract so made.

Purchasers liable to Provisions of existing Savings Banks Acts.

IX. For the Purposes of this Act and of the said Act, every Person purchasing an Annuity, or having purchased the same under the Provisions of the said Act, or contracting for the Payment of a Sum of Money on his or her Death, shall be considered as a Depositor in a Savings Bank; and all the Provisions of the Acts now in force relating to Savings Banks, in as far as the same can or may be applicable, shall apply to the Parties having purchased or purchasing such Annuities, or contracting for the Payment of Money on Death, and to the Rules and Regulations to be made for carrying the same into effect: Provided always, that nothing in this Act or the said Act contained shall be held to exempt any Person or Persons entering into a Contract for a Payment on Death, or any Person or Persons becoming beneficially interested therein, from Probate or any Stamp Duty payable by Law.

Jurisdiction of County Court.

X. If Payment of any Sum of Money due on a Contract made under this Act for Payment of Money on Death shall be refused by the Commissioners for the Reduction of the National Debt, the Party beneficially interested therein may, if he think fit, instead of proceeding to Arbitration in manner provided by the said Savings Banks Acts, take Proceedings against the said Commissioners for the Reduction of the National Debt in the County Court of the District in which such Contract was entered into, or with the Consent of the said Commissioners in any other County Court in the Jurisdiction of which such Party may be resident, for the Recovery of the Amount; and any County Court in which Proceedings under this Section may be taken shall have Jurisdiction in the Matter, and the Decision thereupon shall be final and binding on all Parties to all Intents and Purposes, and without any Appeal; and for the Purposes of this Act the Contract shall be deemed to have been entered into at the Place where the Party insured resided at the Time at which the Contract bears Date. For the Purpose of Arbitration under the said Acts relating to Savings Banks, the said Commissioners shall when necessary be deemed to be in the Place of the Trustees of the Savings Banks. In *Scotland* the Sheriff Court, and in *Ireland* the Civil Bills Court of the Chairman of Quarter Sessions, shall have the same Jurisdiction as is given by this Section to the County Court.

Jurisdiction of Courts in Scotland and Ireland.

Assignment of Contracts.

XI. Any Person who shall contract under the Provisions of this Act and of the said Act for a Payment to be made at Death may, after having duly paid for Five Years or upwards the Premiums thereon, assign its Right and Interest therein, upon

upon Payment of such Fee and on such Conditions as shall be fixed by Regulations made under the Authority of this Act. The Assignee of such Contract shall take, both at Law and in Equity, all such Right and Interest therein, including the Right to sue, as was possessed by the Assignor, but no other or greater Right or Interest.

Commissioners not to be affected by Notice of Trusts.

XII. The Commissioners shall not, except in so far as is provided by the said Act, receive or be affected by Notice, however given, of any Trust affecting any Annuity, or any Contract for Payment on Death, made in pursuance of this and the said Act.

Commissioners for Reduction of National Debt to regulate Instalments.

XIII. The Commissioners for the Reduction of the National Debt, with the Consent of the Commissioners of Her Majesty's Treasury, may make Regulations for fixing the Amounts of the several Instalments and Premiums, and the Periods at which such Instalments and Premiums shall be paid, in respect of the Purchase Money payable upon all Contracts which shall be made under the Authority of this and the said Act, but so as not to affect any Contract previously made; and no Sum in respect of Instalments or Premiums payable at any One Time shall be of less Amount than Two Shillings.

Power to Postmaster General, with Consent of Treasury, to authorize his Officers to receive Monies.

XIV. The Postmaster General, with the Consent of the Commissioners of Her Majesty's Treasury, may, if he shall think fit, authorize and direct such of his Officers as he may select to receive such Monies as may become payable upon Contracts entered into under this and the said Act for Investment with the Commissioners for the Reduction of the National Debt, and to pay on behalf of the said Commissioners all such Monies as may become due and payable under such Contracts.

Power to Commissioners to give Authority to Trustees of Savings Banks.

XV. The Commissioners for the Reduction of the National Debt may, in like Manner, with the Consent of the said Commissioners of Her Majesty's Treasury, if they shall think fit, authorize the Trustees of Savings Banks established under the Act of the Twenty-sixth and Twenty-seventh *Victoria*, Chapter Eighty-seven, with Consent of such Trustees, to receive such Monies as may become payable upon Contracts entered into under this Act for Remittance to the Commissioners for the Reduction of the National Debt, and to pay on behalf of the said Commissioners all such Monies as may become due and payable under such Contracts, and may make to the said Trustees a reasonable Allowance for their Expenses, in respect of such Transactions, out of the Monies so received and paid over by the said Trustees to the said Commissioners.

XVI. The Postmaster General, with the Consent of the Commissioners

Commissioners of Her Majesty's Treasury, may make all Regulations for carrying out the Provisions of this Act, in so far as his Department is concerned; and the Commissioners for the Reduction of the National Debt, with the Consent of the said Commissioners of Her Majesty's Treasury, may make Regulations for carrying out the Provisions of this Act so far as the Trustees of Savings Banks are concerned, and also for the Execution of Contracts on behalf of the said Commissioners, by any Officer or Officers appointed by the said Commissioners for that Purpose, or appointed by the Postmaster General, with the Consent of the said Commissioners; and all Regulations made by the said Postmaster General and the said Commissioners for the Reduction of the National Debt respectively shall be binding to the same Extent as if such Regulations formed Part of this Act; and Copies of all Regulations issued under the Authority of this Act shall be laid before both Houses of Parliament.

Power to Postmaster General, with Consent of Treasury, to make Regulations for carrying out Provisions of this Act.

XVII. The annual Accounts of the Postmaster General and of the Commissioners for the Reduction of the National Debt to the Thirty-first Day of *December* in each Year, in respect to all Monies received or invested under the Authority of this Act, shall annually, prior to the Thirty-first Day of *March* in each Year, be submitted by the said Postmaster General and by the said Commissioners for Examination and Audit to the Commissioners for auditing Public Accounts.

Accounts of Postmaster General and Commissioners to be submitted to Commissioners for auditing Public Accounts.

CAP. XLIV.

An Act to amend the Act relating to Divorce and Matrimonial Causes in England, *Twentieth and Twenty-first* Victoria, *Chapter Eighty-five.*—[14*th* July 1864.]

CAP. XLV.

An Act to further amend The Settled Estates Act of 1856.—[14*th* July 1864.]

§ V. This Act shall extend to *Ireland*, but not to *Scotland*.

CAP. XLVI.

CAP. XLVI.

An Act to provide for the Investment and Appropriation of all Monies received by the Commissioners for the Reduction of the National Debt on account of Deferred Life Annuities and Payments to be made on Death.—[14*th* July 1864.]

WHEREAS it is expedient to provide for the Investment and Appropriation of all Monies received by the Commissioners for the Reduction of the National Debt under any Acts in force in that respect on account of Deferred Life Annuities and Payments on Death, and to secure due Payment thereof to the Parties respectively entitled thereto: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Investment of Monies received by Commissioners for Reduction of National Debt on account of Deferred Annuities and Payments on Death.

I. All Monies received by the Commissioners for the Reduction of the National Debt on account of Contracts for Deferred Life Annuities and for Payments on Death, entered into under the Authority of any Act or Acts of Parliament subsequently to the passing of this Act, shall be invested in such and the like Securities as the said Commissioners are authorized by Law to purchase on account of Savings Banks, and such Securities shall be held by the said Commissioners applicable to meet the Claims on account of such Deferred Annuities and Payments on Death; and the said Commissioners shall, in respect of all such Monies, have such and the like Powers as are now vested by Law in the said Commissioners in respect of Monies received by them from the Trustees of Savings Banks for Investment; and the Commissioners of Her Majesty's Treasury may from Time to Time, if they shall think it advantageous to the Public Service, convert any Capital Stocks of Annuities held by the said Commissioners for the Reduction of the National Debt on account of such Investments into an equivalent Amount of Annuities for a Term of Years, chargeable upon and payable out of the Consolidated Fund; and whenever such Conversion shall take place the Capital Stocks of Annuities so converted shall be cancelled, and Copies of the Authorities under which such Conversion

Conversion shall have been made shall be laid before both Houses of Parliament.

Annual Account of all Monies received and of Disposal thereof to be laid before Parliament.

II. An Account of all Monies received and of the Disposal thereof, and of all Contracts for the Grant of such Deferred Life Annuities, and for Payments on Death, made between the First Day of *January* and the Thirty-first Day of *December* in every Year, shall be laid before both Houses of Parliament not later than the Thirty-first Day of *March* next following; and such Accounts shall show—

The Amounts of Receipts during the Year on Contracts;

The Number and Amount of Payments made on account of Contracts during the Year;

The Amount of Expenses during the Year;

The Number and Amount of new Contracts entered into;

The total Number and Amount of all current Contracts at the End of the Year;

The whole Amount of Capital, distinguishing the Manner in which invested, how much in Cash, how much in Securities, specifying their Nature;

The average Rate of Interest received upon each Class of Investments;

The Table of Mortality and the Rate of Interest used in calculating the Premiums.

Commissioners for Reduction of National Debt to transmit to Treasury every Five Years a Statement of financial Result of Engagements and Liabilities. Provision in case of Deficiency or Surplus.

III. The Commissioners for the Reduction of the National Debt shall prepare and shall transmit to the Commissioners of Her Majesty's Treasury, at the End of every Five Years, a Statement of the Result of a Valuation of the Engagements made and Liabilities incurred during the preceding Five Years, and of the Assets applicable to meet the same; and if it shall appear that the Amount of the Liabilities is greater than that of the said Assets, the Commissioners of Her Majesty's Treasury shall charge the Deficiency upon the Consolidated Fund; and if it shall appear that the Value of the Assets is more than sufficient to discharge the Liabilities, the said Commissioners of the Treasury shall direct that there be cancelled out of the Securities held by the Commissioners for the Reduction of the National Debt an Amount not exceeding Four Fifths of such Surplus.

Treasury to issue out of Consolidated Fund Sums necessary to make good Deficiency.

IV. The Commissioners of Her Majesty's Treasury shall from Time to Time, upon being satisfied that the Assets are not sufficient to meet the Liabilities, and upon a Certificate to that effect under the Hands of the Comptroller General or Assistant Comptroller acting under the Commissioners for the Reduction of the National Debt, direct such Sums to be issued out of the Consolidated Fund of the United Kingdom, or out of the growing Produce thereof, as may be necessary to

to meet the said Liabilities: Provided always, that no such Sums shall be issued as, taken together, shall exceed the Amount charged upon the Consolidated Fund under the Authority of this Act.

CAP. XLVII.

An Act to amend the Penal Servitude Acts.—[25*th* July 1864.]

16 & 17 Vict. c. 99. 20 & 21 Vict. c. 3.

WHEREAS Two Acts were passed, the one Chapter Ninety-nine in the Session of the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, and the other Chapter Three in the Session of the Twentieth and Twenty-first Years of the same Reign, having for their Object the Substitution of other Punishments in lieu of Transportation: And whereas it is expedient to amend the said Acts: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Titles.

I. This Act shall be construed as One with the above-mentioned Acts, and the said Acts, together with this Act, may be cited for all Purposes as the Penal Servitude Acts, 1853, 1857, and 1864, and each of the said Acts may be cited as the Penal Servitude Act of the Year in which it was passed.

Sentences of Penal Servitude.

Length of Sentences of Penal Servitude.

II. No Person shall be sentenced to Penal Servitude in respect to any Offence committed after the passing of this Act for a Period of less than Five Years, and where under any Act now in force a Period of less than five Years is the utmost Sentence of Penal Servitude that can be awarded, a Period of Five Years shall, in respect to any Offence committed after the passing of this Act, in such Act be substituted for the less Period; and where under any Act now in force a Period of either less or more than Five Years may be awarded as a Sentence of Penal Servitude, the least Sentence of Penal Servitude that can be awarded under that Act shall, in respect to any Offence committed after the passing of this Act, be a Period of Five Years; and where any Person shall on Indictment be convicted of any Crime or Offence punishable with Penal Servitude, after having been previously convicted of Felony,

Felony, or, in *Scotland*, of any Crime, (whether such previous Conviction shall have taken place upon an Indictment or under the Provisions of the Act passed in the Eighteenth and Nineteenth of Victoria, Chapter One hundred and twenty-six,) the least Sentence of Penal Servitude that can be awarded in such Case shall be a Period of Seven Years.

Convict Prisons.

Punishment of Offences in Convict Prisons.

III. One of Her Majesty's Principal Secretaries of State in *Great Britain*, and the Lord Lieutenant or other Chief Governor in *Ireland*, may, by Warrant under his Hand and Seal, empower any Two or more Justices of the Peace, to be named in such Warrant, acting for any County in which a Prison for the Reception of Convicts under Sentence of Penal Servitude is situate, to order, from Time to Time, the Infliction of Corporal Punishment on any Convict confined in such Prison, for an Offence committed by such Convict in such Prison, and against the Discipline thereof; and any Two or more Justices of the Peace thus empowered shall have the same Power of adjudicating on such Offences, and of ordering the Infliction of such Punishment, to be exercised under the same Conditions as One of the Directors of Convict Prisons would have, and no greater.

Licences.

Forfeiture of Licence.

IV. A Licence granted under the said Penal Servitude Acts, or any of them, may be in the Form set forth in Schedule (A.) to this Act annexed, and may be written, printed, or lithographed. If any Holder of a Licence granted in the Form set forth in the said Schedule (A.) is convicted, either by the Verdict of a Jury, or upon his own Confession, of any Offence for which he is indicted, his Licence shall be forthwith forfeited by virtue of such Conviction; or if any Holder of a Licence granted under the said Penal Servitude Acts, or any of them, who shall be at large in the United Kingdom, shall, unless prevented by Illness or other unavoidable Cause, fail to report himself personally, if in *Great Britain* to the Chief Police Station of the Borough or Police Division, and if in *Ireland* to the Constabulary Station of the Locality, to which he may go within Three Days after his Arrival therein, and being a Male subsequently once in each Month, at such Time and Place, in such Manner, and to such Person as the chief Officer of the Constabulary Force to which such Station belongs shall appoint, or shall change his Residence from one

Police

Police District to another without having previously notified the same to the Police or Constabulary Station to which he last reported himself, he shall be deemed guilty of a Misdemeanor, and may be summarily convicted thereof, and his Licence shall be forthwith forfeited by virtue of such Conviction, but he shall not be liable to any other Punishment by virtue of such Conviction.

Offences by Holders of Licence.

V. If any Holder of a Licence granted in the Form set forth in the said Schedule (A.),—

1. Fails to produce his Licence when required to do so by any Judge, Justice of the Peace, Sheriff, Sheriff Substitute, Police or other Magistrate before whom he may be brought charged with any Offence, or by any Constable or Officer of the Police in whose Custody he may be, and also fails to make any reasonable Excuse why he does not produce the same; or
2. Breaks any of the other Conditions of his Licence, by an Act that is not of itself punishable either upon Indictment or upon summary Conviction;

He shall be deemed guilty of an Offence punishable summarily by Imprisonment for any Period not exceeding Three Months, with or without Hard Labour.

Apprehension of Holder of Licence without Warrant.

VI. Any Constable or Police Officer may, without Warrant, take into Custody any Holder of such a Licence whom he may reasonably suspect of having committed any Offence, or having broken any of the Conditions of his Licence, and may detain him in Custody until he can be taken before a Justice of the Peace or other competent Magistrate, and dealt with according to Law.

Summary Punishment of Offences.

VII. In *England* and *Ireland* any Offence under this Act punishable summarily may be prosecuted summarily before Two or more Justices; as to *England*, in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Forty-three, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to Summary Convictions and Orders*, or any Act amending the same; and as to *Ireland*, in manner directed by the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Ninety-three, intituled *An Act to consolidate and amend the Acts regulating the Proceedings of Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions in* Ireland, or any Act amending the same.

In *Scotland* any Offence under this Act punishable summarily

marily may be prosecuted upon Summary Conviction at the Instance of the Procurator Fiscal before any Sheriff or Sheriff Substitute, or before any Two Justices of the County, or before the Magistrates or any Police Magistrate of the Burgh in which the Offence is committed.

Where Holder of Licence is summarily convicted, convicting Magistrate to forward Certificate to Secretary of State or Lord Lieutenant of Ireland.

VIII. Where any Holder of a Licence granted in the Form set forth in the said Schedule (A.) is convicted of an Offence punishable summarily under this or any other Act, the Justices, Sheriff, Sheriff Substitute, or other Magistrate convicting the Prisoner shall without Delay forward by Post a Certificate in the Form given in Schedule (B.) to this Act annexed, if in *England* or *Scotland* to One of Her Majesty's Principal Secretaries of State, if in *Ireland* to the Lord Lieutenant or other Chief Governor of *Ireland*, and thereupon the Licence of the said Holder may be revoked in manner provided by the said Penal Servitude Acts.

Effect of Forfeiture or Revocation of Licence.

IX. Where any Licence granted in the Form set forth in the said Schedule (A.) is forfeited by a Conviction of any indictable Offence, or is revoked in pursuance of a Summary Conviction under this Act or any other Act of Parliament, the Person whose Licence is forfeited or revoked shall, after undergoing any other Punishment to which he may be sentenced for the Offence in consequence of which his Licence is forfeited or revoked, further undergo a Term of Penal Servitude equal to the Portion of his Term of Penal Servitude that remained unexpired at the Time of his Licence being granted, and shall, for the Purpose of his undergoing such last-mentioned Punishment, be removed from the Prison of any County, Borough, or Place in which he may be confined, to any Prison in which Convicts under Sentence of Penal Servitude may lawfully be confined, by Warrant under the Hand and Seal of any Justice of the Peace of the said County, Borough, or Place, and shall be liable to be there dealt with in all respects as if such Term of Penal Servitude had formed Part of his original Sentence.

Licences may be granted in Form differing from that in Schedule (A.)

X. Provided always, That it shall be lawful for Her Majesty, or for the Lord Lieutenant or other Chief Governor in *Ireland*, whenever they shall respectively think fit, to grant from Time to Time to Convicts under Sentence of Penal Servitude, Licences in any other Form different from that set forth in Schedule (A.), which they may respectively consider it expedient to adopt, and containing other and different Conditions; and such last-mentioned Licences shall be revocable at pleasure by the Authority by which they are granted; but no Holder of such last-mentioned Licence shall be deemed guilty of an Offence punishable upon summary Conviction merely by reason

reason of the Breach of the Conditions of the said last-mentioned Licences, or any of them.

SCHEDULES.

SCHEDULE (A.)

Order of Licence to a Convict made under the Statute.

Whitehall,
day of 18 .

HER MAJESTY is graciously pleased to grant to
who was convicted of at the
for the
on the and was then and there sentenced to be kept in Penal Servitude for the Term of
and is now confined in the
Her Royal Licence to be at large from the Day of his Liberation under this Order during the remaining Portion of his said Term of Penal Servitude, unless the said shall before the Expiration of the said Term be convicted of some indictable Offence within the United Kingdom, in which Case such Licence will be immediately forfeited by Law, or unless it shall please Her Majesty sooner to revoke or alter such Licence.

This Licence is given subject to the Conditions endorsed upon the same, upon the Breach of any of which it will be liable to be revoked, whether such Breach is followed by a Conviction or not.

And Her Majesty hereby orders that the said be set at Liberty within Thirty Days from the Date of this Order.

Given under my Hand and Seal

Conditions.

1. The Holder shall preserve his Licence and produce it when called upon to do so by a Magistrate or Police Officer.

2. He shall abstain from any Violation of the Law.

3. He shall not habitually associate with notoriously bad Characters, such as reputed Thieves and Prostitutes.

4. He shall not lead an idle and dissolute Life, without visible Means of obtaining an honest Livelihood.

If his Licence is forfeited or revoked in consequence of a Conviction

Conviction for any Offence, he will be liable to undergo a Term of Penal Servitude equal to the Portion of his Term of Years which remained unexpired when his Licence was granted, viz., the Term of Years.

SCHEDULE (B.)

Form of Certificate of Conviction of Holder of Licence.

I do hereby certify that *A.B.*, the Holder of a Licence under the Penal Servitude Acts, was on the Day of in the Year duly convicted by of the Offence of and sentenced to

C.D.,
Clerk to the said Justices.

CAP. XLVIII.

An Act for the Extension of the Factory Acts.—[25*th* July 1864.]

WHEREAS it is expedient to provide for the effectual cleansing and Ventilation of the Factories in which are carried on the Manufactures and Employments specified in the First Schedule hereto, and for the Regulation of the Labour of the Children, Young Persons, and Women employed therein: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

I. This Act may be cited for all Purposes as the "Factory Acts Extension Act, 1864." Short Title.

II. This Act shall apply only to the several Manufactures and Employments mentioned in the said First Schedule. Application of Act.

III. The Factory Acts shall mean such Provisions as are now in force of the Acts following; that is to say,

An Act passed in the Fourth Year of the Reign of His late Majesty, Chapter One hundred and three, intituled *An Act* Definition of "Factory Acts."

Act to regulate the Labour of Children and Young Persons in the Mills and Factories of the United Kingdom:
An Act passed in the Seventh Year of the Reign of Her present Majesty, Chapter Fifteen, intituled *An Act to amend the Laws relating to Labour in Factories:*
An Act passed in the Fourteenth Year of the Reign of Her present Majesty, Chapter Fifty-four, intituled *An Act to amend the Acts relating to Labour in Factories:*
An Act passed in the Seventeenth Year of the Reign of Her present Majesty, Chapter One hundred and four, intituled *An Act further to regulate the Employment of Children in Factories:*
An Act passed in the Twentieth Year of the Reign of Her present Majesty, Chapter Thirty-eight, intituled *An Act for the further Amendment of the Laws relating to Labour in Factories.*

Sanitary Measures.

Factory to be well cleansed and ventilated.

IV. Every Factory to which this Act applies shall be kept in a cleanly State, and be ventilated in such a Manner as to render harmless so far as is practicable any Gases, Dust, or other Impurities generated in the Process of Manufacture that may be injurious to Health.

If the Occupier of any Factory fails to keep the same in conformity with this Section, he shall be deemed to be guilty of an Offence against this Act, and to be subject in respect of such Offence to a Penalty not exceeding Ten Pounds nor less than Three Pounds.

The Court having Jurisdiction under this Act may, in addition to or instead of inflicting any Penalty in respect of an Offence under this Section, make an Order directing that within a certain Time to be named in such Order certain Means are to be adopted by the Occupier for the Purpose of bringing his Factory into conformity with this Section; the Court may upon Application enlarge any Time appointed for the Adoption of the Means directed by the Order, but any Non-compliance with the Order of the Court shall, after the Expiration of the Time as originally limited or enlarged by subsequent Order, be deemed to be a continuing Offence, and to be punishable by a Penalty not exceeding One Pound for every Day that such Non-compliance continues.

Special Rules.

Special Rules for

V. In order to prevent the Requirements of this Act as to Cleanliness and Ventilation in a Factory being infringed to the

the Detriment of the Occupier by the wilful Misconduct or wilful Negligence of the Workmen employed therein, it shall be lawful for the Occupier of any Factory to make Special Rules for compelling the Observance amongst his Workmen of the Conditions necessary to insure the required Degree of Cleanliness and Ventilation, and to annex to any Breach of such Rules a Penalty not exceeding One Pound. Regulation of Workmen in Factories.

The Special Rules made in pursuance of this Section shall not be of any Validity until they have been approved by One of Her Majesty's Principal Secretaries of State.

Printed Copies of the Special Rules in force in any Factory shall be hung up in a legible Condition in Two or more conspicuous Places in the Factory, and a printed Copy shall be supplied to any Person employed in the Factory who may apply for a Copy.

A printed Copy of the Special Rules for the Time being in force in any Factory certified under the Hand of the Inspector for the Time being having Jurisdiction over such Factory shall be Evidence of such Rules, and of their having been approved by the said Secretary of State, and it shall be the Duty of the above-mentioned Inspector to certify Copies of Special Rules when required.

Application of Factory Acts.

VI. The Factory Acts shall be incorporated with this Act, and shall apply to the several Manufactures and Employments mentioned in the said First Schedule, with the Qualifications and subject to the Additions herein-after mentioned: The Factory Acts, as set out in Sect. 3. incorporated with this Act, and to apply to Manufactures, &c. in First Schedule.

(1.) The Term "Factory" as used in this Act and in the Acts incorporated herewith shall mean in respect of the Manufactures and Employments to which this Act applies the Premises in that Behalf specified in the Second Schedule annexed to this Act, but all other Terms in this Act shall have the same Meaning as is assigned to them in the Factory Acts:

(2.) During the First Six Calendar Months next ensuing the passing of this Act Children of not less than Eleven Years of Age may be employed for the same Time, and subject to the same Conditions, for and subject to which Young Persons exceeding Thirteen Years of Age may be employed in pursuance of the said Factory Acts:

(3.) During the First Thirty Calendar Months next ensuing the passing of this Act Children of not less than Twelve Years of Age may be employed for the same Time, and subject to the same Conditions, for and subject

subject to which Young Persons exceeding Thirteen Years of Age may be employed in pursuance of the said Factory Acts:

(4.) In the Manufacture of Lucifer Matches no Child, Young Person, or Woman shall be allowed to take his or her Meals in any Part of the Factory where any Manufacturing Process (except that of cutting the Wood) is usually carried on; and any Child, Young Person, or Woman who is allowed to take his or her Meals in any Part of the Factory in contravention of the said Provision shall be deemed to be employed contrary to the Provisions of the Factory Acts:

(5.) In the Employment of Fustian Cutting no Child shall be allowed to commence Work until the Attainment of the Age of Eleven Years; and any Child who is allowed to commence Work in the Employment of Fustian Cutting before the said Age of Eleven Years shall be deemed to be employed contrary to the said Factory Acts:

(6.) During the First Eighteen Calendar Months next ensuing the passing of this Act so much of the said Factory Acts as provide that during any Time allowed for Meals no Child, Young Person, or Woman shall be employed or allowed to remain in any Room in which any Manufacturing Process is carried on, and that all the Young Persons employed in a Factory shall have the Time for Meals at the same Period of the Day, shall not apply to the Employment of Paper Staining, or to the Manufacture of Earthenware; subject to this Proviso, that, in the Case of the Manufacture of Earthenware, at no Time after the passing of this Act shall any Child, Young Person, or Woman be allowed to take his or her Meals, or to remain during any Time allowed for Meals, in the Dipping Houses, Dippers Drying Rooms, or China-scouring Rooms:

(7.) Whereas by the said Act of the Session of the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Fifteen, Section Eighteen, it is provided, amongst other Things, that all the inside Walls, Ceilings, or Tops of Rooms, whether plastered or not, and all the Passages and Staircases of every Factory which shall not have been painted with Oil once at least within Seven Years, shall be limewashed once at least within every successive Period of Fourteen Months,

Months, to date from the Period when last white-washed: Be it enacted, That, in the Case of the Manufacture of Earthenware, the above-recited Provision shall not apply to those Parts of the Factory which are solely used for the Storage of Earthenware, and in which no Work is carried on except such as is by the Custom of the Trade incidental to such Storage or necessary for keeping the Earthenware in a fit State for Sale.

Recovery and Application of Penalties.

VII. All Penalties under this Act, including Penalties for Breach of a Special Rule, shall be recoverable and applied in manner in which Penalties are recoverable and applicable under the said Factory Acts, and the Term "Court" as used in this Act shall include any Justices, Sheriff, or other Magistrate having Jurisdiction in respect of such Penalties.

SCHEDULES to which the foregoing Act refers.

FIRST SCHEDULE.

Manufactures and Employments to which Act applies.

The Manufacture of Earthenware, except Bricks and Tiles, not being ornamental Tiles.
The Manufacture of Lucifer Matches.
The Manufacture of Percussion Caps.
The Manufacture of Cartridges.
The Employment of Paper Staining.
The Employment of Fustian Cutting.

SECOND SCHEDULE.

Definition of the Word "Factory."

In the Manufacture of Earthenware, except as aforesaid:
Any Place in which Persons work for Hire in making or assisting in making, finishing or assisting in finishing, Earthenware of any Description.
In the Manufacture of Lucifer Matches:
Any Place in which Persons work for Hire in making Lucifer Matches, or in mixing the Chemical Materials for making them, or in any Process incidental to making Lucifer Matches, except the cutting of the Wood.

In

In the Manufacture of Percussion Caps:

Any Place in which Persons work for Hire in making Percussion Caps, or in mixing or storing the Chemical Materials for making them, or in any Process incidental to making Percussion Caps.

In the Manufacture of Cartridges:

Any Place in which Persons work for Hire in making Cartridges, or in any Process incidental to making Cartridges, except the Manufacture of the Paper or other Material that is used in making the Cases of the Cartridges.

In the Employment of Paper Staining:

Any Place in which Persons work for Hire in printing a Pattern in Colours upon Sheets of Paper either by Blocks applied by Hand, or by Rollers worked by Steam, Water, or other Mechanical Power.

In the Employment of Fustian Cutting:

Any Place in which Persons work for Hire in Fustian Cutting.

For the Purposes of this Act an Apprentice shall be deemed to be a Person working for Hire.

No Building or Premises used solely for the Purpose of a Dwelling House shall be deemed to be a Factory or Part of a Factory within the Meaning of this Act.

CAP. XLIX.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.—[25*th* July 1864.]

CAP. L.

An Act to amend an Act of the Twenty-fifth Year of the Reign of Her present Majesty, to provide for the Registration and Transfer of Indian *Stocks at the Bank of* Ireland, *and for the mutual Transfer of such Stocks from and to the Banks of* England *and* Ireland *respectively.*—[25*th* July 1864.]

CAP. LI.

An Act to vest the Site of the India Office *in Her Majesty for the Service of the Government of* India. —[25*th* July 1864.]

CAP. LII.

An Act to amend the Law relating to the Valuation of Rateable Property in Ireland.—[25*th* July 1864.]

CAP. LIII.

An Act to make Provision for Uniformity of Process in summary Criminal Prosecutions and Prosecutions for Penalties in the Inferior Courts in Scotland.—[25*th* July 1864.]

WHEREAS by an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to authorize additional Circuit Courts of Justiciary to be held, and to facilitate Criminal Trials, in* Scotland, Provision was made for the summary Prosecution of Offences before Sheriffs of Counties in certain Cases; which Act was amended by an Act passed in the Eleventh Year of the Reign of King *George* the Fourth and the First Year of the Reign of King *William* the Fourth, intituled *An Act to amend an Act of the Ninth Year of His late Majesty King* George *the Fourth, to facilitate Criminal Trials in* Scotland, *and to abridge the Period now required between the pronouncing of Sentence and Execution thereof, in Cases importing a Capital Punishment:* And whereas by an Act passed in the Nineteenth and Twentieth Year of the Reign of Her present Majesty, intituled, *An Act for amending the Procedure before Magistrates and Justices of Peace in* Scotland, the Provisions of the recited Acts with respect to summary Prosecutions were in certain Cases made applicable to Prosecutions before Justices of the Peace in

9 G. 4. c. 29.

11 G. 4. & 1 W. 4. c. 37.

19 & 20 Vict. c. 48.

in *Scotland:* And whereas by an Act passed in the Seventh Year of the Reign of King *William* the Fourth and the First Year of the Reign of Her present Majesty, intituled *An Act for the more effectual Recovery of Small Debts in the Sheriff Courts, and for regulating the Establishment of Circuit Courts for the Trial of Small Debt Causes by the Sheriffs in* Scotland, Provision was made for the Recovery of statutory Penalties by way of Action in the Sheriff Court in certain Cases: And whereas it is expedient to make further and more effectual Provision for the Trial of Offences punishable on summary Conviction, and for the summary Recovery of Penalties in the Inferior Courts in *Scotland:* Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

7 W. 4. & 1 Vict. c. 41.

Short Title.

I. This Act may be cited for all Purposes as "The Summary Procedure Act, 1864."

Interpretation of Terms.

II. The following Words in this Act shall have the Meanings hereby assigned to them, unless such Meanings shall be excluded by the Subject or Context:

"Act of Parliament" and "Act" shall mean any Public General or Local and Personal Act of Parliament now in force or hereafter to be passed:

"Court" shall mean any Sheriff Court or Burgh Court, or any Court of Justices of the Peace for any County or City in *Scotland*, whether in Quarter or Petty Sessions, any Police Court having Jurisdiction, or any Sheriff, Magistrate of any Burgh, or Justice or Justices of the Peace for any County or City in *Scotland*, exercising Jurisdiction, under the Authority of any Act of Parliament, in any Matter which may lawfully be brought before him or them in the Manner provided by this Act:

"Judge" shall mean any Sheriff, or any Magistrate of any Burgh, or any Justice of the Peace, whether acting alone or in conjunction with any other Justice or Justices of the Peace for the same County or City in *Scotland:*

"Magistrate" shall mean any Magistrate of any Burgh in *Scotland* having Jurisdiction:

"Sheriff" shall include Sheriff Substitute:

"Justice" shall mean any of Her Majesty's Justices of the Peace for any County or City in *Scotland* acting within such County or City:

"Clerk of Court" shall include Depute Clerk or other Person acting as such:

"Witness" shall include Haver:

"Oath"

"Oath" shall include Affirmation in Cases where Affirmations may lawfully be taken in place of Oaths:

"Penalty" shall mean any Sum of Money which may, under the Authority of any Act of Parliament, be recoverable from any Person in respect of the Contravention of any statutory Requirement or Prohibition, and also any Sum which may, under the Provisions of any Act of Parliament, be recoverable as a Penalty or Forfeiture, whether such Sum shall be payable to the Party complaining, prosecuting, or suing for the same, or shall be payable in whole or in part to any other Person, or be applicable to any other Use, and whether the Amount thereof is fixed by such statutory Provision, or is so fixed subject to a Power to modify or mitigate, or is in the Nature of a Penalty not exceeding a certain Sum, to be awarded by the Court or Judge who may take cognizance thereof:

"Administrators of Police" shall mean any Commissioners, Town Council, or other Body having the Charge or Management of the Police of a Town under the Powers created by any Act of Parliament.

Application of the Act.

III. The Provisions of this Act may be applied to—

(1.) All Proceedings before any Sheriff, Justices or Justice, or Magistrate in *Scotland* in virtue of the summary Jurisdiction conferred upon them, or any of them, in relation to the Trial of Offences and Recovery of Penalties, by the recited Acts, or any of them:

(2.) All Proceedings to be taken before any Sheriff, Justices or Justice, or Magistrate in *Scotland* for the Prosecution of any Person who has committed, or is charged with having committed, any Offence or Act for which under the Provisions of any Act of Parliament, he is liable, upon summary Conviction before any Sheriff, Magistrate, Justices or Justice, to be imprisoned or fined, or otherwise punished, or to be ordered to do or perform any Act, and to be imprisoned in default of Performance:

(3.) All Proceedings for the Recovery of any Penalty, or Sum of Money in the Nature of a Penalty, which, under the Provisions of any Act of Parliament, may be recovered by summary Complaint or Information, or by Poinding or Distress and Sale, or other summary Process or Diligence of the like Nature, before any Sheriff, Justices or Justice, or Magistrate:

(4.) All Proceedings for the Trial or Prosecution for any Offence, or for the Recovery of any Penalty, under any Act of Parliament by which it shall be provided that

Offences

Offences committed in contravention thereof or Penalties thereby imposed shall be prosecuted or recovered under the Provisions of this Act.

Proceedings to be instituted by Complaint as in Schedule.

IV. All Proceedings for summary Conviction for any Offence, whether at Common Law or under any Act of Parliament, and all Proceedings for the Recovery of any Penalty which may be sued for or recovered in a summary Form, whether such Proceedings are at the Instance of a public or private Prosecutor or Complainer, may be instituted by way of Complaint in one or other of the Forms set forth in the Schedule (A.) to this Act annexed; and it shall not be necessary to mention in any Complaint any Act of Parliament other than the Act declaring the Offence for which a Conviction is sought, or imposing the Penalty or Forfeiture which is claimed; and it shall be sufficient to refer to the Act or Section of the Act founded on, without setting forth the Enactment in Words at Length; and where it is necessary that any such Complaint should be made upon Oath of the Complainer, or of a credible Witness, such Oath may be in the Form of Schedule (B.) to this Act annexed; and all Penalties for the Recovery of which in *Scotland* no Special Provision has been made by Act of Parliament may be sued for by the Procurator Fiscal of the Jurisdiction.

No Objection to be allowed to Complaint in point of Form, &c.

Power to Court to direct Amendment of Complaint, if it thinks fit.

V. No Objection shall be allowed by the Court to any Complaint under this Act for any alleged Defect therein in Substance or in Form, or for any Variance between any such Complaint and the Evidence adduced on the Part of the Prosecutor or Complainer at the Hearing thereof, not changing the Character of the Offence charged; but if any such Objection or Variance shall appear to the Court to be such that the Respondent has been thereby deceived or misled, it shall be lawful for the Court to adjourn the Hearing to some future Day, and at the same Time, or at any Stage of the Proceedings, to direct such Amendment to be made upon the Complaint as may appear to be requisite, not changing the Character of the Offence, and such Amendment shall be authenticated by the Signature or Initials of the Judge or Clerk of Court.

Respondent may be cited to appear or apprehended on a Warrant.

VI. On such Complaint being laid before the Court it shall be lawful for the Court to grant Warrant to cite the Respondent, by delivering a Copy of the Complaint with Warrant of Citation to him personally, or, if he cannot on Search be found personally, leaving such Copy at his usual Place of Abode, to appear before the Court on Induciæ of not less than Forty-eight Hours, or (where Apprehension is competent) to grant a Warrant for the Apprehension and interim Detention of the Respondent: Provided that where the Complaint shall pray for

for a Warrant of Apprehension, the Court may in its Discretion grant, in place of such Warrant, a Warrant for the Citation of the Respondent as aforesaid; and it shall be lawful to annex to such Warrant of Citation or Apprehension a Warrant to cite Witnesses and Havers for both Parties, and also (where such Procedure is otherwise competent) a Warrant to search for, seize, remove, and secure all Goods, Documents, or other Articles mentioned or referred to in the Complaint.

Court may proceed in absence of Respondent in certain Cases, or issue a Warrant for his Apprehension.

VII. If the Respondent after being cited shall fail to appear at the Time and Place mentioned in the Warrant of Citation, it shall be lawful for the Court, upon Proof that the Respondent has been duly cited, to issue a Warrant in the Second Instance for his Apprehension and interim Detention, or the Court may adjourn the Hearing to a future Diet, with Liberty to the Respondent to appear at such adjourned Diet, and may in its Discretion appoint Intimation of such adjourned Diet to be made to the Respondent; and in Cases where the Complaint concludes for a pecuniary Penalty only in the First Instance, or where the Act of Parliament founded on authorizes Procedure without the Presence of the Respondent, the Court may, without adjourning, proceed to hear and dispose of the Complaint in the Absence of the Respondent.

As to Execution of Warrants.

VIII. Every Warrant granted under the Authority of this Act for the Citation or Apprehension of a Respondent, or for the Citation of Witnesses, or for the Apprehension of a Witness, as herein-after provided, may be lawfully and competently executed at any Place within the County in which it is granted, and that either by an Officer of the Court or Magistrate granting the Warrant, or by a Constable acting under the Authority of any Act of Parliament, although addressed to Officers of the Court issuing the Warrant, and at any Place within *Scotland* by any Constable or other Officer of the Law, or by an Officer of the Court or Magistrate granting the same; and all such Warrants and Citations may be in the Forms contained in the Schedules (C.), (D.), (E.), and (F.) to this Act annexed.

As to Execution of Warrants beyond Scotland.

IX. The Provisions of the second-recited Act relative to the Execution of Sentences and of Decrees for Penalties and Expenses beyond the Jurisdiction of the Court or Judge by whom the same have been granted, shall be applicable to the Execution of Convictions and Judgments pronounced under the Authority of this Act; and the Provisions contained in an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to Persons charged*

11 & 12 Vict. c. 42.

charged with indictable Offences, for the Enforcement of Warrants granted by Sheriffs and Justices in *Scotland* by Endorsation in *England* and *Ireland*, shall be applicable to Warrants granted by Magistrates of Burghs in *Scotland;* and the said Provisions are also hereby extended and made applicable to all Warrants issued in *Scotland* under the Authority of this Act.

Warrants may be issued for Apprehension of Witnesses.

X. If any Person cited as a Witness by a Warrant under the Authority of this Act shall neglect or refuse to appear at the Time and Place appointed by the Warrant, and no just Excuse shall be offered in his Behalf, it shall be lawful for the Court before whom such Person has been cited to appear to issue a Warrant for his Apprehension; or, if the Court shall be satisfied by Evidence upon Oath that it is probable that such Person will not attend without being compelled so to do, it shall be lawful for the Court to issue a Warrant in the first instance for the Apprehension of such Person; and any Witness who shall wilfully fail to attend after being duly cited, or who shall refuse to be sworn or to be examined on Affirmation, or who after the Oath or Affirmation has been administered to him shall refuse to answer any Question which the Court shall allow, or to produce Documents in his Possession when required by the Court, may be summarily punished for his Contempt by Imprisonment or Fine, such Punishment not exceeding that which the Court would be entitled to award in case of Conviction upon the Complaint.

Respondent may require Adjournment of Diet.

XI. Any Respondent brought before the Court by a Warrant of Apprehension under the Authority of this Act shall be entitled to require a Copy of the Complaint, and also to require that the Hearing shall be adjourned for a Period of not less than Forty-eight Hours; and such Requisitions shall be complied with if made before the Examination of any Witness on the Merits shall have commenced; but no such Requisition shall be competent where a Copy of the Complaint shall have been delivered to the Respondent personally Forty-eight Hours before the Hearing; and any Interlocutor adjourning the Diet may be in the Form No. 1. in the Schedule (H.) to this Act annexed.

Court may adjourn the Hearing and detain the Respondent.

XII. Subject to the Provisions contained in the preceding Section, no Adjournment of the Hearing shall take place when the Respondent pleads Not Guilty, or at any other Stage of the Proceedings, unless the Court shall think fit to order an Adjournment: Provided, that where the Respondent has been brought into Court upon a Warrant of Apprehension, it shall be lawful for the Court to grant Warrant, in the Form No. 2. in the Schedule (H.) to this Act annexed, to detain him

him in Prison until the Period to which the Hearing shall be adjourned, or until he finds sufficient Caution to appear at all future Diets of the Court.

As to signing of Convictions and Warrants.

XIII. Any Sheriff, Magistrate, or Justice, though out of his County or Jurisdiction, may sign any Conviction, Judgment, Warrant or Interlocutor under this Act, provided the Evidence and every other Proceeding necessary to support such Conviction, Judgment, Warrant, or Interlocutor shall have been had before him when within his County or Jurisdiction.

Procedure at Hearing in Presence of the Respondent.

XIV. Where the Respondent shall be present at the Hearing the Substance of the Complaint shall be read to him, and he shall thereupon be required to plead in common Form, and the Respondent may then state Objections to the Competency or Relevancy of the Complaint or Proceedings; and if no Objections are stated, or if such Objections are stated and repelled or are obviated by Amendment of the Complaint or Adjournment of the Diet as herein-before provided, the Respondent's Plea shall then or at such adjourned Diet be recorded, and the Plea, if the same be Guilty, shall be signed by the Respondent, or by a Judge or the Clerk of Court if the Respondent cannot write; and if the Plea be Not Guilty, the Prosecutor or Complainer shall proceed to establish his Complaint by such Evidence as is competent, and the Respondent may, if he think fit, lead such Evidence as is competent, after which the Court shall pronounce Judgment at the same or any adjourned Diet.

Procedure at Hearing in Absence.

XV. Where the Court shall proceed to dispose of the Complaint in the Absence of the Respondent, Judgment shall not be pronounced against him until the Complaint has been established to the Satisfaction of the Court by such Evidence as is competent, unless the Special Act authorizes Conviction in default of Appearance.

Form of Record.

XVI. It shall not be necessary in any Proceeding under the Authority of this Act to record or to preserve a Note of the Evidence adduced, but the Record shall set forth in the Form of the Schedule (I.) to this Act annexed the Respondent's Plea, if any, the Names of the Witnesses, if any, examined upon Oath or Affirmation, with a Note of any documentary Evidence that may be put in.

Proceedings may be either in Writing or printed.

XVII. The several Forms of Proceeding prescribed by this Act may be either in Writing or printed, or may be partly written and partly printed; and all such Forms as bear reference to any antecedent Form may be either on the same Sheet of Paper therewith, or on a separate Sheet attached to it.

XVIII. In Cases of Conviction or Judgment against the Respondent

Application of Forms of Conviction, &c.

Respondent in Prosecutions and Proceedings under this Act, the Sentence of the Court may be in one or other of the Forms contained in the Schedule (K.) to this Act annexed, or as nearly as may be in such Form, according to the Nature and Circumstances of the Complaint, viz.:

(1.) In Complaints for Offences at Common Law, punishable on summary Conviction, the Sentence of the Court shall be in the Form No. 1. in the said Schedule:

(2.) In Complaints for the Contravention of any Act of Parliament under which the Accused is or shall be liable on summary Conviction to be imprisoned, or to be imprisoned or fined in the Discretion of the Court, the Sentence of the Court awarding Imprisonment shall be in the Form No. 2. in the said Schedule; or if the Sentence is for a Fine, then in such of the subsequent Forms as may be in accordance with the Provisions of the Act of Parliament:

(3.) In Complaints for the Contravention of any Act of Parliament under which the Accused is or shall be liable to forfeit a Penalty, and in default of Payment thereof to be imprisoned for a Period limited to a certain Time, at the Expiration of which he shall be entitled to Liberation although the Penalty has not been paid, the Judgment of the Court shall be in the Form No. 3. in the said Schedule:

(4.) In Complaints for the Contravention of any Act of Parliament under which the Accused is or shall be liable to a Penalty, which, under the Authority of the Act, may be recovered by Poinding or Distress and Sale, or other summary Process of Execution by Sale, and, in default of Payment or Recovery of the Penalty by such Process of Execution, the Accused is or shall be liable to be imprisoned for a Period limited as aforesaid, the Judgment and Warrant shall be in the Form No. 4. in the said Schedule:

(5.) In Complaints for the Contravention of any Act of Parliament under which the Accused is or shall be liable to a Penalty, which, under the Authority of the Act, may be recovered by Poinding or Distress and Sale, or other summary Process of Execution by Sale, and where the Act also authorizes the Imprisonment of the Accused for a Period limited as aforesaid, then, unless Imprisonment be only authorized in default of Recovery by such Process of Execution, the Judgment of the Court may be in either of the Forms No. 4. or No. 5. in the said Schedule:

(6.) In

(6.) In Complaints for the Contravention of any Act of Parliament under which the Accused is or shall be liable to a Penalty, and where no special Provision is made for the Recovery thereof, or for the Substitution of a Term of Imprisonment in default of Payment, and also in all Cases where, under the Authority of any Act of Parliament, such Penalty is or shall be recoverable by Action, Civil Process, or Diligence, the Judgment of the Court shall authorize Execution by Arrestment, Poinding and Sale, and Imprisonment (unless Recovery by Imprisonment is excluded by the Terms of the Act), and may be in the Form No. 6. in the said Schedule; and the Warrant of Imprisonment to be granted in pursuance of any such Judgment may be in the said Form No. 6., and shall authorize the Detention of the Respondent until liberated in due Course of Law; and in all Cases where, under the Authority of any Act of Parliament, such Penalty is or shall be declared to be recoverable by Arrestment, Poinding or Distress and Sale, or Imprisonment, or by any Combination of those Forms of Diligence other than as above provided for, the Judgment of the Court may be expressed in the said Form No. 6., so far as applicable, and no Warrant of Imprisonment shall be issued upon a Judgment in such Form until after the Period allowed for Execution by Arrestment or Poinding, except in the event mentioned in the said Form No. 6.:

(7.) In Complaints for the Contravention of any Act of Parliament by which the Court is or shall be authorized to ordain the Person contravening to do or perform any Act other than the Payment of Money, and where, in consequence of failing or neglecting to do or perform such Act, such Person shall be liable to be imprisoned for a Term to be specified in the Warrant of Imprisonment, the Judgment and Warrant may be in the Form No. 7. in the said Schedule; and such Judgment and Warrant may, if the Act of Parliament so require, be used in combination with a Judgment or Warrant in one or other of the Forms herein-before specified, and may, if the Act so require, be combined with a Judgment for Expenses, and Warrant for Recovery thereof, and for Imprisonment in default of Payment, in such Form as may be requisite:

(8.) Any Judgment of Absolvitor to be pronounced in any Complaint or Proceedings under this Act may be in the Form No. 8. in the said Schedule:

Provided

Provided that the Court may add to any of the Forms of Conviction or Judgment for any Penalty such Finding of Expenses and Warrant for the Recovery thereof, and such other Finding or Declaration as may be required by the Act of Parliament founded on; and, if so required, the Court may add to any Warrant of Imprisonment contained in such Conviction or Judgment, or consequent thereon, a Direction that the Respondent shall be kept to Hard Labour during the whole or Part of the Term of his Imprisonment; and Execution upon any Judgment or Warrant may proceed either upon such Judgment or Warrant itself or upon an Extract issued and signed by the Clerk of Court, which Extract may be in the Form No. 9. of Schedule (K.), or as near as may be thereto.

Imprisonment may be awarded instead of levying Execution by Poinding and Sale.

XIX. In all Cases instituted under this Act in which any Penalty is or shall be recoverable by Poinding or Distress and Sale, Arrestment, or other summary Process of Execution, and in which the Respondent is also liable to be imprisoned for a Term to be specified in the Warrant of Imprisonment, either immediately or in default of Recovery of the Penalty by Execution, the Court, in lieu of granting Warrant for Recovery by Poinding and Sale, may issue a Warrant for the immediate Imprisonment of the Respondent for any Term not exceeding the Term specified in the Act of Parliament in one or other of the Forms appended to Nos. 4, 5, and 6 in Schedule (K.); and no Sale shall be made in virtue of a Warrant granted under the Authority of this Act unless the Goods are at the appraised Value, sufficient to satisfy the Sums decerned for, and the Expenses of the Poinding and Sale.

Proceedings subsequent to Conviction.

XX. Where, in consequence of the Requirements of this Act or of any other Act of Parliament, it is necessary that any Warrant of Imprisonment or other Warrant should be granted subsequent to the Conviction or Judgment, or where any other ulterior Proceeding is enjoined, the Forms and Directions respectively appended to the several Forms of Convictions and Judgments in Schedule (K.) may be used and observed so far as the same are applicable, and all such Warrants or ulterior Proceedings may be taken without the Presence of the Respondent.

Signature of One Justice sufficient except to Conviction or Judgment.

XXI. In Cases in which under any Act of Parliament any Matter or Proceeding which may be dealt with under the Forms prescribed by this Act, or which is incidental thereto, is or shall be cognizable by Two or more Justices, it shall be sufficient that any Warrant of Imprisonment or other Warrant or Proceeding prior or subsequent to the Conviction or Judgment shall be subscribed by One Justice, and it shall not be necessary

necessary that such Justice shall be or shall have been present at the Hearing of the Complaint, but the Conviction or Judgment shall in all Cases be signed by such Number of Justices present at the Hearing, and concurring in the Result thereof, as may be required by such Act; and in case of an equal Division of Opinion among the Justices present, the Complaint shall be held to be not proved, and Judgment shall be given for the Respondent; and all Warrants of Citation in Cases which may be dealt with under this Act may be signed by the Clerk of Court, without being laid before a Judge.

Court may award Expenses to or against private Complainer, although not authorized by Act.

XXII. In all Cases of Complaint under this Act for the Recovery of any Penalty it shall be lawful for the Court to make an Award of Expenses without the same being prayed for in such Complaint, but Expenses shall not be awarded to or against any public Prosecutor or Party prosecuting under the Authority of any Act of Parliament for the public Interest unless such Award of Expenses is authorized by such Act: Provided, that in all Cases where a Complaint for the Recovery of a Penalty is at the Instance of a private Complainer, it shall be lawful for the Court before which such Complaint is brought to award Expenses to the successful Party if the Court shall think fit; and such Expenses may be recovered and Imprisonment awarded, in default of Payment or Recovery thereof, in the Manner and Form specified in the said Schedule (K.) in connection with the several Forms of Convictions and Judgments therein contained, or, if necessary, by a separate Judgment for Expenses in such Form as may be appropriate.

Warrant of Imprisonment may be framed so as to take effect from the Expiration of a previous Sentence.

XXIII. If, upon any Complaint presented under the Authority of this Act, a Warrant shall be issued for the Imprisonment of the Respondent pursuant to a Conviction or Judgment, and such Respondent shall then be in Prison undergoing Imprisonment for a specified Period, upon a Conviction for any Offence, or for Default in Payment of any Penalty or Expenses, or for Disobedience to any Order of Court, the Warrant of Imprisonment upon such subsequent Conviction or Judgment shall be delivered to the Keeper of the Prison to whom the same shall be directed, and it shall be lawful for the Court granting the same, if it shall think fit, to insert an Order therein to the effect that the Imprisonment upon such subsequent Conviction or Judgment shall commence at the Expiration of the Imprisonment to which such Respondent shall have been previously sentenced or adjudged.

Limitation of Time for bringing Complaints.

XXIV. In all Cases in which no Time is already or shall be hereafter specially limited for instituting any Complaint for the Recovery of any Penalty or Sum of Money, or for Conviction

Conviction for any statutory Offence punishable on summary Conviction, in the Act of Parliament relating to each particular Case, such Complaint shall be instituted within Six Months from the Time when the Matter of such Complaint arose.

Act not to extend to certain Warrants and Proceedings.

XXV. Nothing in this Act shall extend or be construed to extend to any Warrant or Order for the Removal of any poor Person who is or shall become chargeable to any Parish or District, nor to any Information or Complaint or other Proceeding under or by virtue of any of the Statutes relating to Her Majesty's Revenue, or under or by virtue of any statutory Provision for the Recovery of any Rate, Tax, or Impost whatsoever.

Where special Jurisdiction conferred on Police Court, Forms of this Act may be used.

XXVI. In Cases in which, under the Authority of any Act of Parliament, any Conviction may be obtained, or any Warrant Ad factum præstandum or Judgment granted or pronounced, or any Penalty or Expenses recovered, by way of summary Complaint before any Sheriff, Justices or Justice, or Magistrate, and it is also provided therein, or in any other Act of Parliament having reference thereto, that such Conviction or Warrant may be obtained, or Judgment pronounced, or Penalty or Expenses recovered, in any Police Court in *Scotland*, the Proceedings by this Act authorized may be taken in such Police Court with such and the like Remedies by Poinding and Sale, Imprisonment, or otherwise, as are herein provided in the Case of Convictions and Judgments obtained before Sheriffs, Magistrates, and Justices of the Peace; and the several Forms contained in the Schedules to this Act annexed may be varied so far as may be necessary to render them applicable to such Police Courts.

Jurisdiction of Inferior Courts not to be extended.

XXVII. Nothing in this Act contained shall confer or be construed to confer upon any Sheriff, Justices or Justice, or Magistrate acting under the Authority of this Act any other or more extensive Jurisdiction in relation to any Matter which may be made the Subject of Complaint than is or shall be vested in such Sheriff, Justices or Justice, or Magistrate at Common Law, or under any Act of Parliament empowering them, or any of them, to take cognizance of such Matter of Complaint; nor shall anything in this Act contained affect any right to sue by way of ordinary Action in the Court of Session or Sheriff Court in *Scotland* for the Recovery of any Penalty or Forfeiture, save and except as to the Right of suing for such Penalty or Forfeiture in the Sheriff Small Debt Court in the Form provided in the Fourth-recited Act.

Limits of Civil and Criminal Jurisdic-

XXVIII. And whereas much Inconvenience has resulted from the Uncertainty which exists as to the Nature of the Jurisdiction conferred by various Acts of Parliament authorizing

rizing Convictions for Offences, and the Recovery of Penalties, and the Enforcement of Orders by Imprisonment, upon summary Complaint before Sheriffs, Justices, and Magistrates in *Scotland*, and it is expedient to define the Cases in which such Jurisdiction shall be held to be of a Criminal Nature: In all Proceedings by way of Complaint instituted in *Scotland*, in virtue of any such Statutes as are herein-before mentioned, the Jurisdiction shall be deemed and taken to be of a Criminal Nature where, in pursuance of a Conviction or Judgment upon such Complaint, or as Part of such Conviction or Judgment, the Court shall be required or shall be authorized to pronounce Sentence of Imprisonment against the Respondent, or shall be authorized or required in case of default of Payment or Recovery of a Penalty or Expenses, or in case of Disobedience to their Order, to grant Warrant for the Imprisonment of the Respondent for a Period limited to a certain Time, at the Expiration of which he shall be entitled to Liberation; and in all other Proceedings instituted by way of Complaint, under the Authority of any Act of Parliament, the Jurisdiction shall be held to be Civil: Provided always, that nothing contained in this Act shall be construed to affect the Right of any Party to Proceedings taken under this Act to be examined as a Witness therein, but such Right shall remain as it would have been if this Act had not passed.

tion defined in respect to Proceedings by way of summary Complaint.

XXIX. Where by any Act of Parliament a Power is or shall be given to any Sheriff, Justices or Justice, or Magistrate in the Exercise of Jurisdiction as a Judge of Police to take cognizance of Offences punishable by Fine or Imprisonment, without any Declaration being expressed or implied of the Powers of such Judge of Police in relation to the Punishment of such Offences, it shall be lawful for such Sheriff, Justices or Justice, or Magistrate convicting for an Offence of which he or they may lawfully take cognizance, to sentence the Person convicted to pay a Penalty not exceeding Five Pounds, or, in the Discretion of the Judge, to sentence him to be imprisoned for any Period not exceeding Sixty Days from the Date of Imprisonment, and also to adjudge him to find Caution to keep the Peace for Six Months under a further Penalty of Ten Pounds, and in default of such Caution being found to be imprisoned for a further Period not exceeding Thirty Days.

Sentence of Police Judges not to exceed a Fine of 5*l.* or Sixty Days Imprisonment in Cases where their Powers are not defined by Statute.

XXX. No Procurator Fiscal, or other Party prosecuting for the public Interest, by Complaint under the Provisions of this or any other Act, shall be liable to pay or be found liable by any Court in a greater Sum than Five Pounds as Damages for or in respect of any Proceedings taken or anything done

As to Actions of Damages against public Prosecutors.

on such Complaint, or on any Judgment following on such Complaint, unless the Person prosecuting for Damages shall aver and prove that such Proceeding was taken or done maliciously and without probable Cause; but the Party suing such Damages shall not be entitled to have any Decreet or Verdict pronounced against such Procurator Fiscal or other Party prosecuting, for any Damages, or Return or Repetition of Penalty or Costs, in case such Prosecutor shall prove at the Trial that the Party suing was guilty of the Offence in respect whereof he had been convicted, or on account of which he had been apprehended, or had otherwise suffered, and that he had undergone no greater or other Punishment than was assigned by Law to such Offence; and any such Prosecutor sued as aforesaid may at any Time put an end to the Action, in so far as not founded on Acts done maliciously and without probable Cause, by tendering Payment of the Sum of Five Pounds as Damages, with the Amount of the Penalty, if recovered, and the Expenses of such Action to the Date of the Tender.

Provisions of 11 & 12 Vict. c. 43. not to be applicable to Proceedings in Scotland.

XXXI. In Cases in which by any Act of Parliament the Provisions of an Act passed in the Eleventh and Twelfth Year of the Reign of Her present Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders*, are or shall be made applicable to Complaints or Informations under any such Act, the Provisions of the said Act of the Eleventh and Twelfth Year of Her Majesty's Reign shall not be applicable to any Proceedings under such Act when instituted in *Scotland*, but the Provisions of this Act shall be applicable to all such Proceedings as may, under the Authority of any such Act, be instituted before any Sheriff, Justices or Justice, or Magistrate in *Scotland*.

Proceedings may be in Forms prescribed by this or other Acts.

XXXII. The Proceedings in any Action or Complaint for the Prosecution for Offences or Recovery of Penalties under any Act of Parliament may either be according to the Form prescribed by such Act or any Act incorporated therewith, or according to the Form prescribed by this Act, or, where such Proceedings are before the Sheriff, according to the Forms prescribed by the first-recited Act.

Court of Justiciary and Court of Session to have Power to pass Acts of Adjournal and Sederunt.

XXXIII. It shall be lawful for the High Court of Justiciary and for the Court of Session respectively from Time to Time to pass such Acts of Adjournal or Acts of Sederunt as may be necessary or proper for carrying into effect the Provisions of this Act, and in particular to regulate the Expenses of Proceedings in the Inferior Courts under this Act, and the Fees payable to Clerks of Court.

XXXIV. No

XXXIV. No Conviction or Judgment in pursuance of this Act shall be quashed for Want of Form, and no Warrant of Imprisonment or for Poinding and Sale, and no Extract of Judgment, shall be held void by reason of any Defect of Form therein, provided it be therein mentioned or may be inferred therefrom that it is founded or has proceeded on a Conviction or Judgment, and there be a valid Conviction or Judgment to sustain the same. Convictions and Warrants not to be quashed or held void for Want of Form.

XXXV. Every Action or Prosecution against any Sheriff, Judge, or Magistrate, or against any Clerk of Court, Procurator Fiscal, or other Person, on account of anything done in any Case instituted under this Act, shall be commenced within Two Months after the Cause of Action shall have arisen, unless a shorter Period is fixed by the Special Act, and not afterwards. Limitation of Actions.

XXXVI. Whereas it is expedient that in Towns where there is no Prison it shall be competent to establish Places of Confinement for Prisoners undergoing short Sentences without incurring the Expense of supporting a Local Prison: It shall be competent in any Town where there is no Prison, but where there are Police Cells, for One of Her Majesty's Secretaries of State to issue an Order declaring that such Cells or any Number of them, or that any other Premises in the Possession of the Administrators of the Police in such Town, shall be a legal Prison for the Detention of convicted Prisoners for any Period not exceeding Three Days, and such Order shall be issued in the Manner and subject to the Conditions set forth in the Provisions of "The Prisons (*Scotland*) Administration Act, 1860," in reference to Local Prisons, so far as the same are applicable to the Purposes of this Act. Secretary of State may issue Order as to Police Buildings.

XXXVII. When any Building or Part of a Building other than a Local Prison under the Administration of a County Board is or shall be a lawful Place of Detention for Prisoners under short Sentences, whether under the Powers conferred on the Secretary of State by this Act, or in virtue of any Public Local Act, the Administrators of Police having Charge of the same, and all Persons in their Employment, shall, in respect to such Buildings or Part of a Building, be subject to the Rules for Prisons in *Scotland* as authorized in the said Prisons Administration Act, and to all the Provisions of the said Act relating to the Discipline and Management of Prisons and the Transmission of Returns, as if such Administrators were a County Board. Provisions as to Discipline, &c. in Prisons to apply to convicted Prisoners in such Premises.

SCHE-

SCHEDULES referred to in this Act.

SCHEDULE (A.)

1. *Complaint for Offence at Common Law.*

UNDER THE SUMMARY PROCEDURE ACT, 1864.

Unto the Honourable Her Majesty's Justices of the Peace for the County of [*or* Sheriff of the County of *or* Magistrates of the Burgh of *as the Case may be*].

The Complaint of *A.B.*, Procurator Fiscal of Court [*or other Party entitled to prosecute with his Concurrence*]:

Humbly showeth,

That *J.K.* [*Designation*] has been guilty of the Crime of Actor, or Art and Part, in so far as [*here state the Particulars of the Offence*]:

May it therefore please your Honours [*or* Lordship] to grant Warrant to apprehend the said *J.K.*, and bring him before you [*or* to cite the said *J.K.* to appear before you] to answer to this Complaint, and thereafter to convict him of the said Crime, and to adjudge him to suffer the Pains of Law.

According to Justice.

A.B. [*Signature of Public Prosecutor, or of Private Prosecutor with Concurrence annexed.*]

2. *Complaint praying for Conviction in Terms of Act, and for Imprisonment or Forfeiture.*

UNDER THE SUMMARY PROCEDURE ACT, 1864.

Unto the Honourable Her Majesty's Justices of the Peace for the County of [*or* Sheriff of the County of *or* Magistrates of the Burgh of].

The Complaint of *A.B.*, Procurator Fiscal of Court [*or other Party entitled to prosecute*]:

Humbly showeth,

That *J.K.* [*Designation*] has contravened the Act [*or* has been guilty of an Offence within the Meaning of the Act] [*specify the Act or Acts*], in so far as [*state Particulars of Contravention or Offence*], whereby the said *J.K.* is liable [*state shortly the Nature of the Forfeiture or Penalty and the Alternative*].

May

May it therefore please your Honours [*or* Lordship] to grant Warrant to apprehend the said *J.K.*, and bring him before you [*or* to cite the said *J.K.* to appear before you] to answer to this Complaint, and thereafter to convict him of the aforesaid Contravention, and to adjudge him to suffer the Penalties provided by the said Act [*or* Acts, or any of them].

[*Where a Warrant Ad factum præstandum is desired, it must be specially prayed for.*]

According to Justice.

A.B. [*Signature of Complainer.*]

SCHEDULE (B.)

Oath of Verity.

At the Day of in Presence of

Compeared *A.B.*, the Complainer, [*or* a credible Witness, *as the Case may be,*] who, being solemnly sworn, depones that what is contained in the foregoing Complaint is true, as he shall answer to God.

[*Signature of Complainer or Witness.*]
[*Signature of Judge.*]

SCHEDULE (C.)

Warrant for Citation of Respondent.

The Justice [*or* Sheriff, *or* Magistrate, *or* Clerk of Court] grants Warrant to Officers of Court to serve a Copy of the foregoing Complaint and of this Deliverance upon *J.K.*, Respondent, and to cite him to appear personally to answer thereto at [*Court House or Place*] upon the Day of at o'Clock noon, with Certification, and also to cite Witnesses or Havers for both Parties for all Diets in the Cause.*

[*Signature of Judge or Clerk of Court.*]

SCHEDULE (D.)

1. *Warrant for Apprehension of Respondent in the First Instance.*

The Justice [*or* Sheriff *or* Magistrate] grants Warrant to Officers of Court to search for and apprehend *J.K.*, Respondent,

ent, and, if necessary for that Purpose, to open any shut or lockfast Places, and to bring him before any One or more, as may be competent, of Her Majesty's Justices of the Peace for the County of , [*or* the Sheriff of the County of , *or* a Magistrate of the Burgh of ,] to answer to the foregoing Complaint at [*Court House or Place*], and in the meantime to detain him in a Police Station House or other convenient Place, and also to cite Witnesses and Havers for both Parties for all Diets in the Cause.*

[*Signature of Judge.*]

2. *Warrant for Apprehension of the Respondent in the Second Instance.*

The Justice [*or* Sheriff *or* Magistrate], in respect *J.K.*, Respondent, has failed to appear to answer to the foregoing Complaint after being duly cited to this Diet, grants Warrant to Officers of Court to search for and apprehend the said *J.K.*, and, if necessary for that Purpose, to open any shut or lockfast Places, and to bring him before any One or more, as may be competent, of Her Majesty's Justices of the Peace for the County of [*or* the Sheriff of the County of *or* a Magistrate of the Burgh of ,] and in the meantime to detain him in a Police Station House or other convenient Place, and also to cite Witnesses and Havers for both Parties for all Diets in the Cause.*

[*Signature of Judge.*]

* [*A Warrant to search for stolen Goods or other Search Warrant may be prayed for in the Complaint, and included in the Warrant of Citation or Apprehension, if otherwise competent.*]

SCHEDULE (E.)

1. *Warrant for the Apprehension of a Witness in the First Instance.*

The Justice [*or* Sheriff *or* Magistrate], in respect it has been made to appear to him upon Oath that *E.F.*, [*Designation*] is likely to give material Evidence for the Prosecution in the foregoing Complaint [*if the Complaint is on a separate Paper, describe it by the Names of the Parties and Date of Presentation*], and that it is probable that the said *E.F.* will not

not attend to give Evidence without being compelled so to do, grants Warrant to Officers of Court to search for and apprehend the said *E.F.*, and, if necessary for that Purpose, to open any shut or lockfast Places, and in the meantime to detain him in a Police Station House or other convenient Place, and to bring and have him on the Day of at o'Clock noon before any One or more, as may be competent, of Her Majesty's Justices of the Peace for the County of [*or* the Sheriff of the County of *or* a Magistrate of the Burgh of] to bear Witness for the Prosecution in the foresaid Complaint.

[*Signature of Judge.*]

2. *Warrant for the Apprehension of a Witness in the Second Instance.*

The Justice [*or* Sheriff *or* Magistrate], in respect that *E.F.* [*Designation*] has failed to appear after having been duly cited to bear Witness for the Prosecution [*or* for the Respondent] in the foregoing Complaint [*if the Complaint is on a separate Paper, describe it by the Names of the Parties and Date of Presentation*], and no just Excuse has been offered on his Behalf, grants Warrant to Officers of Court to search for and apprehend the said *E.F.*, and, if necessary for that Purpose, to open any shut or lockfast Places, and in the meantime to detain him in a Police Station House or other convenient Place, and to bring and have him on the Day of at o'Clock noon before any One or more, as may be competent, of Her Majesty's Justices of the Peace for the County of [*or* the Sheriff of the County of *or* a Magistrate of the Burgh of] to bear Witness for the Prosecution [*or* for the Respondent] in the foresaid Complaint.

[*Signature of Judge.*]

SCHEDULE (F.)

1. *Citation of Respondent.*

To *J.K.* [*Designation.*]

Take Notice that you are required to appear personally at the Place and Time specified in the Warrant, of which the foregoing is a Copy, to answer to the Complaint to which this Notice is attached, with Certification.

This I do on the Day of

[*Signature of Officer.*]

2. *Citatior*

2. *Citation of Witness.*

To *E.F.* [*Designation.*]

Take Notice that you are required to appear before any One of Her Majesty's Justices of the Peace for the County of [*or* the Sheriff of the County of *or* a Magistrate of the Burgh of] at [*Court House or Place*] on the Day of at the Hour of o'Clock noon, and at any adjourned Diet which you may be required to attend, to bear Witness for the Prosecution [*or* for the Respondent] in the Complaint at the Instance of *A.B.* [*Designation*], against *J.K.* [*Designation*], under Certification; [and also to bring with you and exhibit such of the Documents mentioned in the subjoined Lists as may be in your Possession.]

This I do on the Day of

[*Signature of Officer.*]

SCHEDULE (H.)

1. *Interlocutor adjourning the Diet.*

The Justice [*or* Sheriff *or* Magistrate] adjourns the Diet to the Day of , and appoints the said *J.K.* to appear personally on that Day at o'Clock noon.

[*Signature of Judge.*]

2. *Adjournment and Interim Warrant of Imprisonment.*

The Justice [*or* Sheriff *or* Magistrate] adjourns the Diet to the Day of , and in the meantime grants Warrant to commit the said *J.K.* to the Prison of , therein to be detained until that Time, or until he find Caution to appear at all future Diets of Court under a Penalty of £

[*Signature of Judge.*]

SCHEDULE (I.)

Minute of Procedure at the Hearing.

1. *When the Respondent appears.*

At the Day of in the Presence of of Her Majesty's Justices of the Peace for the County of [*or* Sheriff *or* Magistrate] appeared *J.K.*

J.K. complained against; and the Complaint being read over to him, he answers that he is Not Guilty, [*or* that he is Guilty.]

[*Signature.*]

[*If the Respondent pleads Not Guilty.*]

The Witness [*or* Witnesses] after named was [*or* were] examined in Support of the Complaint, viz.:—

And the Witness [*or* Witnesses] after named was [*or* were] examined in Exculpation, viz.:—

[*Note also the Production of any Documents produced in Evidence by either Party.*]

2. *When the Respondent is absent.*

At the Day of in Presence of of Her Majesty's Justices of the Peace for the County of [*or* Sheriff *or* Magistrate], *J.K.* complained against having failed to appear, after having been duly summoned.

The Witness [*or* Witnesses] after named was [*or* were] examined in Support of the Complaint, viz.:—

[*Note also any Productions.*]

SCHEDULE (K.)

1. *Conviction for Offence at Common Law.*

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate], in respect of the Judicial Confession of the said *J.K.* [*or* of the Evidence adduced], find the said *J.K.* guilty of the Crime charged [*or state to what Extent he is guilty*], and therefore [*state the Terms of the Sentence*].

[*Signature of Judges or Judge.*]

2. *Conviction for Contravention of Act punishable by Imprisonment.*

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate], in respect of the Judicial Confession of the said *J.K.* [*or* of the Evidence adduced], convict the said *J.K.* of the Contravention [*or* Offence] charged [*or state to what Extent he is guilty*], and therefore adjudge him to be imprisoned in the Prison of for the Period of from this Date [*or* from the Date of his Imprisonment]. [*If authorized by the Act, add,* and find him liable in Payment to the Complainer of £ of Expenses, and adjudge him to be imprisoned in

in the said Prison for the further Period of Days from the Expiration of the last-mentioned Period, unless the said Sum shall be sooner paid], and grant Warrant to Officers of Court to apprehend him and convey him to the said Prison, and to the Keeper thereof to receive and detain him accordingly.

[*Signature of Judges or Judge.*]

3. *Conviction for a Penalty, and, in default of Payment, Imprisonment.*

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate], in respect of the Judicial Confession of the said *J.K.* [*or* of the Evidence adduced], convict the said *J.K.* of the Contravention [*or* Offence] charged [*or state to what Extent he is guilty*], and therefore adjudge him to forfeit and pay the Sum of £ of Penalty [*or* of modified Penalty, *where there is Power to modify*], [with the Sum of £ of Expenses, *where Expenses may be awarded*]; and in default of immediate Payment thereof [*or if Time be allowed, say,* within Days from this Date], adjudge him to be imprisoned in the Prison of for the Period of from the Date of his Imprisonment, unless the said Sum [*or* Sums] shall be sooner paid, and grant Warrant to Officers of Court to apprehend him and convey him to the said Prison, and to the Keeper thereof to receive and detain him accordingly.

[*Signature of Judges or Judge.*]

4. *Conviction for a Penalty to be recovered by Poinding, and, in default of Recovery, Imprisonment.*

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate], in respect of the Judicial Confession of the said *J.K.* [*or* of the Evidence adduced], convict the said *J.K.* of the Contravention [*or* Offence] charged [*or state to what Extent he is guilty*], and therefore adjudge him to forfeit and pay the Sum of £ of Penalty [*or* of modified Penalty, *where there is Power to modify*], [with the sum of £ of Expenses, *where Expenses may be awarded*]; and* in default of immediate Payment thereof [*or, if Time is allowed, say,* within Days from this Date] grant Warrant for Recovery of the said Sum or Sums by Poinding of his Goods and Effects, and summary Sale thereof, on the Expiration of not less than Forty-eight Hours after such Poinding, without further Notice or Warrant, and appoint

appoint a Return or Execution of such Poinding and Sale to be made within Eight Days from this Date [*or*, from the Expiration of the Period herein allowed for Payment, *where Time is allowed,*] under Certification of Imprisonment for the Period of in default of Payment or Recovery of the said Sums with the Expenses of Diligence before the Time allowed for such Report.

[*Signature of Judges or Judge.*]

Report by Officer of Court.

I, *X.Y.*, report, that by virtue of the foregoing Judgment and Warrant, I have made diligent Search for Goods and Effects of the within mentioned *J.K.*, and that I can find no sufficient Goods and Effects whereon to levy the Sums within mentioned.

Humbly reported this Day of by

[*Signature of Officer.*]

Warrant of Imprisonment.

At the Day of the Justice [*or* Sheriff *or* Magistrate], in respect it appears that the Sum [*or* Sums] mentioned in the foregoing Conviction, with the Expenses of Diligence, have not been paid, and that no sufficient Goods and Effects can be found whereon to levy the said Sum [*or* Sums] and Expenses, grants Warrant to Officers of Court to apprehend the said *J.K.*, and convey him to the Prison of and to the Keeper thereof to receive and detain him from the Period of from the Date of his Imprisonment, unless the said Sum [*or* Sums], with the further Sum of £ for the Expenses of Diligence, shall be sooner paid.

[*Signature of Judge.*]

5. *Conviction for a Penalty to be recovered by Poinding and Imprisonment.*

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate], in respect of the Judicial Confession of the said *J.K.* [*or* of the Evidence adduced], convict the said *J.K.* of the Contravention [*or* Offence] charged [*or state to what Extent he is guilty*], and therefore adjudge him to forfeit and pay the sum of £ of Penalty [*or* of modified Penalty, *where there is Power to modify*], [with the sum of £ of Expenses, *where Expenses may*

may be awarded,] and* ordain instant Execution by Poinding and Sale, and Imprisonment for the Period of Days, in default of immediate Payment [*or if Time is allowed, say,* within Days from this Date]; grant Warrant to Officers of Court, in default of Payment of the said Sum [*or* Sums], for immediate Poinding of the Goods and Effects of the said *J.K.*, and summary Sale thereof on the Expiration of not less than Forty-eight Hours after such Poinding; appoint a Return of such Poinding and Sale to be reported within Eight Days from this Date; and in default of Payment grant Warrant to Officers of Court to apprehend the said *J.K.*, and convey him to the Prison of , and to the Keeper thereof to receive and detain him for the Period of Days from the Date of his Imprisonment, unless the said Sum [*or* Sums], together with the Expense of Poinding, if any, shall be sooner paid, or Liberation shall be granted.

[*Signature of Judges or Judge.*]

Warrant of Liberation.

The Justice [*or* Sheriff *or* Magistrate], in respect the Complainer has failed to certify by the Report of an Officer of Court that no sufficient Goods and Effects of the said *J.K.* can be found whereon to levy the Sums specified in the foregoing Conviction within the Period of Eight Days therein mentioned [*or* in respect that a sufficient Poinding and Sale of the Effects of the said *J.K.* has been made], grants Warrant to the Keeper of the Prison of for the immediate Liberation of the said *J.K.*

[*Signature of Judge.*]

6. *Judgment for a Penalty recoverable by Diligence.*

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate], in respect of the Judicial Confession of the said *J.K.* [*or* of the Evidence adduced], convict the said *J.K.* of the Contravention [*or* Offence] charged [*or state to what Extent he is guilty*], and therefore adjudge him to forfeit and pay the Sum of £ of Penalty [*or* modified Penalty, *where there is power to modify*], of £ , and also find the said *J.K.* liable in £ of Expenses to the Complainer, and* ordain instant Execution by Arrestment, and also Execution by Poinding [and Imprisonment, *where there is Power to imprison*]; grant Warrant to Officers of Court to arrest all Debts and Sums of Money

Money owing to the said *J.K.*, and [*if Time is allowed, add*, in default of Payment within Days from this Date], to poind his Goods and Effects and to sell the same at the Expiration of not less than Forty-eight Hours after such Poinding, without further Notice or Warrant; [*where the Act authorizes Imprisonment, add*], and appoint a Return or Execution of such Poinding and Sale to be made within Days from the Expiration of the Period hereby allowed for Payment, under Certification of Imprisonment [*if for a Term, specify the Term*], in default of Payment or Recovery of the said Sums with the Expenses of Diligence before the Time allowed for such Report.

[*Signature of Judges or Judge.*]

Warrant of Imprisonment to be granted upon Officer's Report.

The Justice [*or* Sheriff, *or* Magistrate], in respect it appears that the Sums mentioned in the foregoing Judgment, with the Expenses of Diligence, have not been paid or recovered under the said Judgment in whole or in part, grants Warrant to Officers of Court to apprehend the said *J.K.*, and convey him to the Prison of , and to the Keeper thereof to receive and detain him until liberated in due Course of Law [*or, if the Imprisonment is for a Term, say,* for the Period of Days from the Date of his Imprisonment, unless the said Sums, with £ for the Expenses of Diligence, shall be sooner paid.]

[*Signature of Judge.*]

* [*If at the Hearing it shall appear that the issuing of a Warrant of Arrestment, Poinding, and Sale would be inexpedient, then, in place of the Warrant annexed to the Judgment in the preceding Form, say:*

And in respect it is inexpedient to issue a Warrant of Poinding and Sale [*or* of Arrestment, Poinding, and Sale], ordain instant Execution by Imprisonment, and grant Warrant to Officers of Court to apprehend the said *J.K.*, and convey him to the Prison of , and to the Keeper thereof to receive and detain him for the Period of from the Date of his Imprisonment, unless the said Penalty and Expenses shall be sooner paid.]

[*This Form only to be used where the Acts founded on authorize Imprisonment for a specified Period.*]

7. *Judgment*

7. *Judgment and Warrant Ad factum præstandum, and, in default, Imprisonment.*

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate], in respect of the Judicial Confession of the said *J.K.* [*or* of the Evidence adduced], find the Complaint proven [*or state to what Extent it is proven, or state any other Findings that may be considered necessary*], and ordain the said *J.K.* to [*here state the Matter required to be done*] under Certification that if, upon a Copy of this Judgment being served upon the said *J.K.* by an Officer of Court, he shall neglect or refuse to obey the same within the Period of after such Service, he shall be imprisoned for the Period of Days: Find the said *J.K.* liable in £ of Expenses to the Complainer: and failing immediate Payment thereof [*or if Time be allowed,* within Days from this Date, *say*], grant Warrant for Recovery of the said Sum by Poinding of his Goods and Effects, and summary Sale thereof, *&c.*, [*as in No.* 4 *of this Schedule.*]

[*Signature of Judges or Judge.*]

Warrant of Imprisonment.

The Justice [*or* Sheriff *or* Magistrate], in respect it is now proved to his Satisfaction that a Copy of the foregoing Judgment was duly served upon the within-named *J.K.*, upon the Day of , and that he has not as yet obeyed the Order therein contained, and that the Period appointed for Implement thereof is now expired, grants Warrant to apprehend the said *J.K.*, and convey him to the Prison of , and to the Keeper thereof to receive and detain him for the Period of from the Date of his Imprisonment.

[*Signature of Judge.*]

[*Note.*—A Warrant Ad factum præstandum in the above Form may, if required by the Act, be combined with a Conviction or Judgment for a Penalty. Where Judgment is given for the Expenses of obtaining a Warrant Ad factum præstandum recoverable by Poinding and Sale, and Imprisonment in default, the Proceedings shall be as nearly as possible in conformity with the Forms above prescribed for the Recovery of Penalties and Expenses. If the Expenses are declared to be recoverable by

by ordinary Diligence, or by Arrestment and Poinding, the Warrant and Procedure will be as in No. 6.]

8. *Judgment of Absolvitor or Dismissal.*

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate] assoilzie the within-designed *J.K.* from the foregoing Complaint [*or* dismiss the Complaint]. [*If an Award of Expenses be competent, add,*] Find the within-designed *A.B.*, Complainer, liable to the said *J.K.* in the Sum of £ of Expenses, and decern and ordain instant Execution therefor by Arrestment, and also Execution by Poinding and Sale and Imprisonment, if the same be competent, after a Charge of Fifteen free Days; grant Warrant, *&c.* [*as in No.* 6, *omitting Warrant of Imprisonment when incompetent.*]

[*Signature of Judges or Judge.*]

9. *Extract of Judgment convicting, absolving, or dismissing* [*as the Case may be*].

At the Day of in Presence of . In the Complaint at the Instance of *A.B.* against *C.D.*, charging him with [*name, the Crime, Offence, or Contravention*], as particularly set forth in said Complaint, the Justices [*or* Justice, *or* Sheriff, *or* Magistrate] in respect of [*state the Terms of the Judgment, and of any subsequent Warrant upon which Execution is to proceed*]. Extracted by me, Clerk of Court.

[*Signature of Clerk.*]

Execution may proceed either upon the Judgment and Warrant itself, or upon an Extract in the above Form.

CAP. LIV.

An Act for the Union of the Diocesan Courts and Registries in Ireland; *for the Regulation of the Mode of Procedure therein, and also in the Provincial Courts of* Armagh *and* Dublin; *and for Appeals therefrom.*—[25*th* July 1864.]

CAP. LV.

An Act for the better Regulation of Street Music within the Metropolitan Police District.—[25*th* July 1864.]

CAP. LVI.

An Act for granting to Her Majesty certain Stamp Duties; and to amend the Laws relating to the Inland Revenue.—[25*th* July 1864.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

19 G. 2. c. 37.

I. Whereas an Act was passed in the Nineteenth Year of King *George* the Second, Chapter Thirty-seven, intituled *An Act to regulate Insurance on Ships belonging to the Subjects of* Great Britain, *and on Merchandises or Effects laden thereon;* and by Section Four of the same Act it is prohibited to make Re-assurance except in the Cases therein mentioned: And whereas it is expedient to remove such Restriction: Be it enacted, That notwithstanding anything contained in the said Act, it shall be lawful to make Re-assurance upon any Ship or Vessel, or upon any Goods, Merchandise or other Property on board of any Ship or Vessel, or upon the Freight of any Ship or Vessel, or upon any other Interest in or relating to any Ship or Vessel which may lawfully be insured, and such Re-assurances shall be deemed to be the Insurance of Interests which may lawfully be insured within the Meaning of the Acts imposing Stamp Duties on Policies of Sea Insurance: Provided always, that if within Three Calendar Months next after the Termination of the Risk on any Policy of Re-assurance Application shall be made to the Commissioners of Inland Revenue, and it shall be proved to their Satisfaction that any such Re-assurance as aforesaid has been made on the same Property or Interest and Risk which shall have been previously assured to the same or some greater Amount by One or more lawful and valid Policy or Policies existing at the Time of making such Re-assurance, and duly stamped for denoting

Re-assurances of Sea Risks may lawfully be made.

On Termination of Risk and Proof of prior Assurance duly stamped, Allowance to be made for Stamp Duty on Policy of Re-assurance.

denoting the full and proper Duties chargeable thereon, it shall be lawful for the said Commissioners to make Allowance for the Stamp Duty impressed on the Policy of Re-assurance in like Manner as in the Case of spoiled Stamps on Policies of Insurance under the Act passed in the Fifty-fourth Year of the Reign of King *George* the Third, Chapter One hundred and thirty-three; and the several Provisions of the said Act, so far as they are applicable or can be applied, shall be observed and put in force with respect to the Allowance of the Stamps on the said Policies of Re-assurance.

Bills of Exchange payable on Demand and endorsed abroad to be deemed Foreign Bills.

II. Any Bill of Exchange payable on Demand, which shall be endorsed out of the United Kingdom, or purport to be so endorsed, wheresoever the same may have been drawn, shall, for the Purpose of charging the Stamp Duty thereon, be deemed to be a Foreign Bill of Exchange, but shall be chargeable with the same Amount of Stamp Duty as an Inland Bill of Exchange for the Payment of Money otherwise than on Demand, according to the Amount thereby made payable; and the Provisions, Regulations, and Penalties contained in the Fifth Section of the Act passed in the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Eighty-three, shall be deemed to apply to any such Bill so endorsed or purporting to be endorsed as aforesaid as if the same were a Bill drawn out of the United Kingdom.

Stamp Duties on Letters of Attorney for the Receipt of Dividends or Interest of Stocks, Funds, &c.

III. In lieu of the Stamp Duties now payable for or upon any Letter or Power of Attorney for the Receipt of Dividends or Interest of any of the Government or Parliamentary Stocks or Funds, or of the Stocks or Funds of the Secretary of State in Council of *India*, or of *India* Promissory Notes, or registered Promissory Notes, the Interest of which is payable by Bills of Exchange on the Governments of *India*, *Madras*, and *Bombay* respectively, or of the Stocks, Funds, or Shares of or in any Joint Stock Company or other Company or Society whose Stocks or Funds are divided into Shares and transferable, there shall be charged and paid for or upon such Letter or Power of Attorney as aforesaid the following Stamp Duties; (that is to say,)

Where such Letter or Power of Attorney shall be for the Receipt of One Payment only, the Duty of One Shilling:

And where the same shall be for continuous Receipt or for the Receipt of more than One Payment, the Duty of Five Shillings.

Stamp Duties on Probates, Letters of Administration,

IV. And whereas certain *ad valorem* Stamp Duties are by several Statutes in that Behalf granted and imposed upon or in respect of the following Instruments; (that is to say,)

Probate of a Will and Letters of Administration, with or without

and Inventories to extend to British Ships at Sea.

without a Will annexed, to be granted in *England* or *Ireland*;

Inventory to be exhibited and recorded in any Commissary Court in *Scotland* of the Estate and Effects of any Person deceased:

Be it enacted, That the said Stamp Duties shall be charged and paid in respect of the Value of any Ship or any Share of a Ship belonging to any deceased Person which shall be registered at any Port in the United Kingdom, notwithstanding such Ship at the Time of the Death of the Testator or Intestate may have been at Sea or elsewhere out of the United Kingdom; and for the Purpose of charging the said Duties, such Ship shall be deemed to have been at the Time aforesaid in the Port at which she may be registered.

Probates, &c., exempted from Stamp Duty where the Effects do not exceed 100*l.*

V. No Stamp Duty shall be chargeable on any such Probate, Letters of Administration, or Inventory as aforesaid in any Case where the whole Estate and Effects of the deceased Person dying after the passing of this Act (exclusive of what he shall have been possessed of or entitled to as a Trustee for any other Person or Persons, and not beneficially,) shall be sworn not to exceed and shall not actually exceed in Value the Sum of One hundred Pounds.

Stamp Duties on certain Licences to be for the future Excise Duties.

VI. Whereas it is expedient that the Duties now payable as Stamp Duties upon the Licences herein-after mentioned should for the future be and become payable as Duties of Excise: Be it enacted, That on and from and after the First Day of *July* One thousand eight hundred and sixty-four the Duties now payable by Law upon or in respect of the Licences to be taken out in the United Kingdom by Persons carrying on the Trades and Businesses herein-after mentioned, as described and defined by the several Statutes relating to such Licences and Trades or Businesses respectively, (that is to say,)

Appraisers,
Pawnbrokers,
Dealers in Gold and Silver Plate,
Owners, Proprietors, Makers and Compounders of, and Persons uttering, vending, or exposing to Sale, or keeping ready for Sale, any Medicine liable to Stamp Duty,
Hawkers and Pedlars,
House Agents,
Sellers of Playing Cards (being Makers thereof),
And Sellers of Playing Cards (not being Makers thereof),

Shall respectively be denominated and be deemed to be Duties of Excise, and the said Licences respectively shall be granted by such Officer or Officers of Excise and shall be in such Form as the Commissioners of Inland Revenue shall direct in that Behalf;

Behalf; and all Powers and Directions granted to or to be observed by any Officer of Stamps, and now in force, contained in any Act relating to the said Duties or Licences, or to the said Trades and Businesses, or any of them, may be executed and enforced and shall be observed by any Officer of Excise; and all such Duties and all Fines, Penalties, and Forfeitures imposed by any Act or Acts of Parliament upon any Person who shall carry on any of the said Trades or Businesses without being duly licensed, or who shall do or omit to do any Act or Thing in any Manner contrary to the Provisions of any Act of Parliament relating to the said Licences, or to the said Duties, or any of them, may be collected, sued for, recovered, levied, mitigated, paid, and applied by the same Means and Methods, and in like Manner, and under the same general or special Powers, Provisions, Regulations, and Directions as to Appeal, and in all other respects, as any other Duties of Excise, or any Fines, Penalties, or Forfeitures, are directed to be collected, sued for, recovered, levied, mitigated, paid, and applied under any Act relating to the Excise Revenue, as well as by the Means and Methods and in the Manner directed by the said Act or Acts relating to the said Duties or Licences, or to the said Trades or Businesses, and in force at the Time of the passing of this Act.

A Licence may be granted to a Hawker upon the Certificate required by Law, and may be renewed on the Production of a previous Licence.

VII. Any Licence to a Hawker, Pedlar, and Petty Chapman in *Great Britain* may be granted by any authorized Officer of Excise upon the Person applying for it producing the Certificate described in the Sixth Section of the Act passed in the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, Chapter Twenty-one, or in any former Act: Provided always, that it shall be lawful to grant to any Person who shall have taken out a Licence as a Hawker, Pedlar, and Petty Chapman a renewed Licence upon the Production and Surrender of the Licence last previously issued to him as such Hawker, Pedlar, and Petty Chapman, and without the Production of any further or other Certificate, so long as he shall continue to renew his Licence immediately upon the Expiration thereof.

Brewers Licences to expire on the 30th of September in each Year.

VIII. All Licences granted to Brewers of Beer for Sale after the Thirtieth Day of *September* in the Year One thousand eight hundred and sixty-four shall continue and be in force from the Day of the Date of such Licences respectively until and upon the Thirtieth Day of *September* next after the granting thereof, on which last-mentioned Day all such Licences shall expire.

Sects. 54. to 65. of 7 & 8 Vict.

IX. Whereas it is expedient that the Laws relating to Brewers of Beer for Sale should be made uniform throughout the

c. 52., and so much of Sect. 13. of 3 & 4 W. 4. c. 68. as relates to Brewers in Ireland repealed.

the United Kingdom: Be it enacted, That Sections Fifty-four to Sixty-five inclusive (relating to Brewers of Beer in *Ireland*) of the Act passed in the Seventh and Eighth Years of the Reign of King *George* the Fourth, Chapter Fifty-two, and so much of Section Thirteen of the Act passed in the Third and and Fourth Years of the Reign of King *William* the Fourth, Chapter Sixty-eight, as prohibits any Brewer from receiving or holding a Licence to sell Beer, Cider, or Spirits by Retail, to be drunk or consumed on the Premises, shall be and the same are hereby repealed, except as to anything done or omitted to be done, or as to any Penalty or Forfeiture which shall respectively have been incurred, before the passing of this Act.

Extension to Ireland of certain Provisions of Acts relating to Brewers in Great Britain.

X. Sections Two and Three of the Act passed in the Fifty-sixth Year of the Reign of King *George* the Third, Chapter Fifty-eight, (as amended and altered by Section Twenty of the Act passed in the Twenty-fifth Year of the Reign of Her present Majesty, Chapter Twenty-two,) and Sections One, Two, and Three of the Act passed in the First and Second Years of the Reign of King *George* the Fourth, Chapter Twenty-two, and also Sections Fifteen and Sixteen of the Act passed in the First Year of the Reign of King *William* the Fourth, Chapter Fifty-one, shall extend to and be in force in *Ireland*, and shall apply to Brewers of Beer in *Ireland*, and to all Acts, Matters, and Things done or to be done in *Ireland*, in like Manner as at the Time of the passing of this Act the said Sections of the several Acts aforesaid do apply to the like Acts, Matters, and Things done or to be done in *Great Britain*.

Couch Frames not to be altered after Entry, unless upon Notice to Supervisor.

XI. And whereas by an Act passed in the Seventh and Eighth Years of the Reign of King *George* the Fourth, Chapter Fifty-two, Couch Frames to be used by Maltsters in the making of Malt are required to be made and constructed in the Manner and Form thereby prescribed, and it is fit and proper, in order to prevent Fraud or Error in the gauging of the Corn or Grain, that no Alteration should be made in such Couch Frames without previous Notice to the Officers of Excise: Be it enacted, That if any Alteration shall be made in the Dimensions, Size, or Capacity of any Couch Frame in the Malthouse of any Maltster after Entry thereof made by him with the Officer of Excise without Four Days Notice in Writing having been previously given by such Maltster of the intended Alteration to the Supervisor of Excise of the District in which such Malthouse is situate, the Maltster shall forfeit the Sum of One hundred Pounds, together with all Corn or Grain found in the said Couch Frame.

XII. And

Tobacco Licences taken out by Keepers of Inns in Scotland to expire on the same Day as Licences taken out by them for the Sale of exciseable Liquors.

XII. And whereas Licences for the Sale of Beer, Spirits, and Wine in Inns and Public Houses licensed under the Authority of Justices of the Peace in *Scotland* expire on the Fifteenth Day of *May* in each Year, and it would be convenient to the Keepers of such Inns and Public Houses if the Licences to deal in and sell Tobacco and Snuff therein expired on the said Day instead of on the Tenth Day of *October* in each Year as now provided by Law: Be it enacted, That all Licences to deal in or sell Tobacco or Snuff, which shall be granted after the passing of this Act to the Keepers of such Inns or Public Houses as aforesaid, shall expire on the Fifteenth Day of *May* next after the granting of the same; and every such last-mentioned Licence as aforesaid which shall be in force at the Time of the passing of this Act, and which but for this Act would expire on the Tenth Day of *October* next, shall continue in force until the Fifteenth Day of *May* One thousand eight hundred and sixty-five, provided the Holder of any such Licence shall on or before the Eleventh Day of *October* next pay to the proper Collector of Excise in respect of the Continuance of such Licence the Sum of Three Shillings, the Payment of which Sum shall be endorsed by such Collector on the said Licence; and for the Purpose of ascertaining the proportionate Amount of Duty to be paid in respect of any Licence to deal in or sell Tobacco or Snuff which shall be granted after the passing of this Act to any Person intending to keep such Inn or Public House as aforesaid, and who shall be entitled under the Laws of Excise to take out such Licence as a Beginner according to the Quarter of the Year in which such Licence shall be taken out, the Four Quarters of the Year shall be deemed to expire on the Days herein-after mentioned; that is to say, the First Quarter on the Fifteenth Day of *August*, the Second Quarter on the Fifteenth Day of *November*, the Third Quarter on the Fifteenth Day of *February*, and the last Quarter on the Fifteenth Day of *May*.

Tobacco Licences granted to Persons who retail Beer not to be consumed on Premises to expire on 10th October in each Year.

XIII. And whereas by the Twenty-fifth Section of an Act passed in the Twenty-sixth and Twenty-seventh Years of Her Majesty's Reign, Chapter Thirty-three, it is enacted that Licences to be taken out for the Sale of Tobacco or Snuff by Innkeepers or Persons licensed to sell Beer to be consumed upon the Premises after the Fifth Day of *July* One thousand eight hundred and sixty-three should expire on the Tenth Day of *October* next after the granting thereof, and it is expedient that such Licences when granted to Persons licensed to sell Beer by Retail not to be consumed on the Premises, under an Act passed in the First Year of the Reign of King *William* the Fourth, Chapter Sixty-four, and other Acts for the Amendment

ment thereof, should also expire on the said last-mentioned Day; Be it enacted, That all Licences for the Sale of Tobacco or Snuff, which after the passing of this Act shall be granted to Persons licensed to sell Beer as last aforesaid, shall expire on the Tenth Day of *October* next after the granting of the same.

Auctioneers not to deal in or sell excisable Commodities except upon licensed Premises.

XIV. And whereas by the Sixth Section of the Act passed in the Eighth Year of Her Majesty's Reign, Chapter Fifteen, it is enacted that any Auctioneer, having in force a Licence on which the Duty under the Provisions of that Act has been paid, may sell by Auction any Property, Goods, or Commodities mentioned in the said Section without taking out any other Licence in such respect: And whereas Persons holding Licences as Auctioneers do under Colour thereof carry on the Business of Dealers and Traders in Commodities for the dealing in and selling of which Excise Licences are by Law required to be taken out, and it is expedient to alter and amend the Law in this respect: Be it enacted, That no Licence taken out by any Person to exercise or carry on the Trade or Business of an Auctioneer shall authorize such Person to deal in or sell, either on his own Account or for his own Benefit, or on Account of or for the Benefit of any other Person, any Commodities for the dealing in or selling of which an Excise Licence is required, except upon Premises in respect of which the Owner of such Commodities shall have taken out and shall have in force at the Time of the Sale thereof the proper Excise Licence for the Sale of such Commodities; provided that any such licensed Auctioneer may sell by Auction, by Sample, in any Town or Place, any such Commodities as aforesaid, if the Owner thereof shall be duly licensed for the Sale of such Commodities in the same Town or Place; and provided also, that the Commissioners of Inland Revenue may in their Discretion authorize any licensed Auctioneer to sell any such Commodities by Auction where they shall be satisfied that the said Commodities are the Property of a private Person, and are not sold for Profit or by way of Trade; and if any Person shall sell by Auction any such Commodities contrary to or otherwise than as allowed by this Section, he shall incur the Penalties imposed upon Persons dealing in or selling such Commodities without the Excise Licences required by Law.

Postage Stamps may be received in Payment of Taxes in

XV. It shall be lawful for the Lords Commissioners of Her Majesty's Treasury, if they shall see fit, and under such Regulations, Conditions, and Limitations as they shall think proper, to authorize and direct the Commissioners of Inland Revenue and their Officers to receive Postage Stamps as and for

for payment of the respective Taxes of Land Tax and Assessed Taxes and Income Tax, or any of them, which may become due or payable in *Scotland* or *Ireland;* and, under such Regulations as aforesaid, such Postage Stamps shall be delivered over to the Postmaster General or his Officers, and the Amount or Value thereof be paid out of the Revenue of the Post Office to the Inland Revene, and accounted for as Monies arising from the said Taxes. Scotland and Ireland.

XVI. Whereas the Stamp Duty chargeable on the Admission of any Person to the Degree of Barrister-at-Law in either of the Inns of Court in *England* is Fifty Pounds, and the Stamp Duty chargeable on the Admission of any Person to the like Degree in the Inns of Court in *Ireland* is also Fifty Pounds, but of the latter Sum Ten Pounds is payable to the Treasurer of the Society of *King's Inns*, to be applied as the Society may direct: Be it enacted, That where any Person duly admitted to the said Degree in *Ireland*, and having paid the full Stamp Duty chargeable thereon, shall be admitted as aforesaid in *England*, his latter Admission shall be chargeable with the Stamp Duty of Ten Pounds only for the Use of Her Majesty's Revenue; and where any Person duly admitted to the said Degree in *England*, and having paid the full Stamp Duty chargeable thereon, shall be admitted as aforesaid in *Ireland*, his latter Admission shall be chargeable with the Stamp Duty of Ten Pounds only for the Use of the said Society of *King's Inns*, to be paid over to the Treasurer of the said Society, and applied as directed or authorized by the Statutes in that Behalf. Persons admitted Barristers in England or in Ireland may be admitted in the other Part of the United Kingdom on Payment of the Stamp Duty of 10*l.* only.

XVII. Whereas by an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Eighty-two, and the several Acts continuing and confirming the same, the Receiver General of Stamp Duties is required to pay Parts of certain Stamp Duties in the said first-recited Act mentioned at the Receipt of Her Majesty's Exchequer in *Ireland*, and the Commissioners of Her Majesty's Treasury for the Time being are directed to pay the same to the Treasurer of the Society of *King's Inns:* Be it enacted, That the said Receiver General shall pay the same to the said Treasurer instead of to the Receipt of Her Majesty's Exchequer in *Ireland* as directed by the said Acts, to be applied as in the said Acts mentioned. Parts of certain Stamp Duties to be paid direct to the Treasurer of King's Inns, Ireland, instead of into the Exchequer as heretofore.

XVIII. All the Powers, Provisions, Clauses, Regulations, Forfeitures, Pains, and Penalties contained in or imposed by any Act or Acts relating to any Duties of the same Kind or Description as the several Rates or Duties granted by this Act respectively, and in force at the Time of the passing of this Act, Provisions of former Acts to apply to this Act.

Act, and not hereby expressly repealed, shall respectively be in full Force and Effect with respect to the said Rates and Duties by this Act granted respectively, so far as the same are or shall be applicable, in all Cases not hereby expressly provided for, and shall be observed, applied, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said last-mentioned Rates and Duties, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted, *mutatis mutandis*, with reference to the Rates and Duties by this Act granted respectively.

Taxes in Scotland may be paid by means of Post Office Orders.

XIX. When any Person liable to the Payment of any of the Duties of Land Tax, Assessed Taxes, or Income Tax in *Scotland* shall have received the accustomed Notice thereof, it shall be lawful for him, within Twenty-one Days after receiving such Notice, to produce the same at any Money Order Office of the General Post Office in *Scotland*, and pay to the Postmaster there the Sum payable according to such Notice, and thereupon the said Postmaster shall deliver to him a Post Office Order payable at the General Post Office in *London* to the Receiver General of Inland Revenue for the said Sum, less the Commission for such Order, which Order such Person shall forthwith transmit to the Collector at the Office for Receipt in a Letter prepaid by being duly stamped with the proper Postage Stamp or Stamps, specifying the Particulars of the Payment in such Form as shall be provided by the Commissioners of Inland Revenue for that Purpose, and delivered to the said Person along with the said Order; and upon the Receipt of the said Order and Letter, with the Particulars and in the Form aforesaid, the Collector shall credit the Person named in the said Letter with the Amount specified in the said Order, and with the said Commission, in like Manner as if the same had been paid to the Collector in Cash.

CAP. LVII.

An Act to make Provision respecting the Acquisition of Lands required by the Admiralty for the Public Service, and respecting the Use and Disposition thereof,

thereof, and the Execution of Works thereon.—[25*th* July 1864.]

WHEREAS it is expedient to make Provision for the Acquisition by the Admiralty, by Agreement, of Lands required for the Public Service:

And whereas it is expedient to consolidate into One General Act sundry Provisions usually introduced into Special Acts from Time to Time empowering the Admiralty to purchase particular Lands for the Public Service by Agreement or compulsorily, and that as well for the Purpose of avoiding the Necessity of repeating such Provisions in each of the several Special Acts as for insuring greater Uniformity in the Provisions themselves:

And whereas it is expedient to make Provision respecting the Use and Management of Lands held by the Admiralty for the Public Service, and respecting the Disposition thereof when no longer required for the Public Service, and also respecting the Execution of Works by the Admiralty in certain Cases:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title.

I. This Act may be cited as The Admiralty Lands and Works Act, 1864.

Interpretation of Terms.

II. In this Act—

The Term "the Admiralty" means the Lord High Admiral of the United Kingdom or the Commissioners for executing the Office of Lord High Admiral:

The Term "the Lands Clauses Acts" means with respect to Lands in *England* The Lands Clauses Consolidation Act, 1845, and with respect to Lands in *Scotland* The Lands Clauses Consolidation (*Scotland*) Act, 1845, together with in each Case The Lands Clauses Consolidation Acts Amendment Act, 1860, and with respect to Lands in *Ireland* The Railways Act (*Ireland*), 1851, including Acts incorporated in or amending the same:

The Term "Lands" includes any Estate, Term, Easement, Right, or Interest in, to, over, or affecting Lands.

In the Construction of the Lands Clauses Acts in connection with this Act the Term "the Promoters of the Undertaking" therein

therein used shall mean the Admiralty, and the Term "Lands" therein used shall have the Meaning herein-before assigned to it.

I.—Acquisition of Lands by Agreement.

Power to Admiralty to take Lands by Agreement.

III. Subject and according to the Provisions of this Act, the Admiralty may from Time to Time by Agreement purchase or take Lands requisite for Her Majesty's Naval Service, or for the Use or Requirements of any Force or Department in the Employment or under the Direction or Control of the Admiralty, and for that Purpose may enter into, execute, and do all necessary and proper Contracts, Assurances, and Things.

Incorporation of Lands Clauses Acts, except Provisions giving compulsory Powers, &c.

IV. For the Purposes of any such Purchase or taking, the Lands Clauses Acts shall be incorporated with this Act (for which Purpose this Act shall be deemed the Special Act), except as to so much of the Lands Clauses Acts as relates to the Purchase or taking of Lands otherwise than by Agreement, and to Access to the Special Act.

II.—Acquisition of Lands under Special Acts.

Incorporation of Lands Clauses Acts with Special Acts.

V. Where by any Special Act of the present or any future Session compulsory Powers of purchasing or taking particular Lands are given to the Admiralty, the Lands Clauses Acts shall, subject to the Provisions of this Act, be incorporated with the Act giving those Powers (which shall for this Purpose be deemed the Special Act), except as to so much of the Lands Clauses Acts as relates to Access to the Special Act.

Power to Admiralty to withdraw Notice for Purchase within limited Time.

VI. If in any Case, after Notice has been given by the Admiralty for the compulsory Purchase or taking of any Lands under any such Special Act as aforesaid of the present or any future Session, it appears to the Admiralty, from a Change of Circumstances, or other Reasons, unnecessary or inexpedient to complete the Purchase or taking of such Lands, or any Part thereof, the Admiralty may within Two Months after giving the Notice give to the Parties entitled to receive the First Notice a further Notice to the Effect that they thereby withdraw the First Notice wholly or in part, and thereupon the Lands comprised in the Notice of Withdrawal shall be discharged from the Effect of the First Notice wholly or to the Extent of the Notice of Withdrawal (as the Case may be); provided that nothing herein shall—

(1.) prejudice

(1.) prejudice any Claim of any Owner of or Person interested in such Lands for Compensation for such Damage (if any) as he may have sustained in consequence of the giving of the First Notice; or

(2.) give to any Person receiving Notice for the Purchase or taking of Lands any further or other Right as against the Admiralty than he would have had if this Enactment had not been made.

Incorporation of Railways Clauses Acts as to Correction of Errors, &c. in Books of Reference, &c.

VII. In every such Special Act as aforesaid of the present or any future Session, there shall also be incorporated, where the Lands authorized to be purchased or taken compulsorily are situate in *England* or *Ireland*, Sections Seven and Ten of The Railways Clauses Consolidation Act, 1845, and where the Lands are situate in *Scotland*, Sections Seven and Ten of The Railways Clauses Consolidation (*Scotland*) Act, 1845, for which Purpose such Act of the present or any future Session shall be deemed the Special Act, and the Admiralty shall be deemed the Company.

Limit of Time for compulsory Purchases.

VIII. The Powers of the Admiralty for the compulsory Purchase of Lands for the Purposes of any such Special Act as aforesaid of the present or any future Session shall not be exercised after the Expiration of Five Years from the passing of that Act.

III.—Vesting, Management, &c. of Lands.

Lands to vest in Lords of Admiralty, &c. for the Time being.

IX. Lands purchased or taken by the Admiralty as aforesaid, by Agreement or compulsorily, shall, according to the Nature and Quality of such Lands, and the Estate, Term, or Interest acquired by the Admiralty therein, vest in the Admiralty for the Time being, and go to and be held by the Lord High Admiral for the Time being, or the Commissioners for the Time being for executing the Office of Lord High Admiral, in succession, in trust for Her Majesty, Her Heirs and Successors, for the Public Service.

Powers of Management, &c. of Lands.

X. Subject to the Provisions of this Act and of any such Special Act as aforesaid of the present or any future Session, the Admiralty may use Lands purchased or taken by them under this Act or under any such Act in such Manner as may seem most beneficial for the Public Service, and shall have in relation thereto all such Powers of Management and Leasing, and all such other Powers, and all such Rights, as would be had in relation thereto by any Individual holding the same for such Estate, Term, or Interest as the Admiralty have therein.

Actions and Suits

XI. The Admiralty may bring or defend any Action or Suit relative to any Lands contracted to be purchased or taken by them

by and against Admiralty as to Lands.

them under this Act, or under any such Special Act as aforesaid of the present or any future Session; and may bring any Action of Ejectment or other Action or Suit for recovering Possession of any Lands purchased or taken by them under this Act, or under any such Special Act as aforesaid of the present or any future Session, and may distrain or sue for any Arrears of Rent due to them in respect thereof; and may bring any Action or Suit in respect of any Trespass or Encroachment committed thereon or Damage done thereto, or any other Action or Suit in respect thereof, and may defend any Action or Suit in respect thereof; and in every such Action or Suit the Admiralty may be styled "The Lord High Admiral of the United Kingdom" or "The Commissioners for executing the Office of Lord High Admiral of the United Kingdom" (as the Case may require), without more; and any such Action or Suit shall not be affected by any Change in the Admiralty; and in any such Action or Suit the Admiralty shall be liable and entitled to pay or receive Costs according to the ordinary Rules observed in Actions between Subject and Subject.

Recovery of Possession.

As to Recovery of Possession of Land in England from Tenants.

XII. Where any Lease or Agreement of or concerning Lands in *England* purchased or taken by the Admiralty under this Act or under any such Special Act as aforesaid of the present or any future Session, is determined by Expiration, Notice, or Forfeiture (except for Nonpayment of Rent), the following Provisions shall take effect:

(1.) Possession of such Lands may be recovered by the Admiralty under the Act of the Session of the First and Second Years of Her Majesty (Chapter Seventy-four) "to facilitate the Recovery of Possession of Tene- "ments after due Determination of the Tenancy," as in Cases therein provided for, although the Term or Interest of the Tenant may have exceeded Seven Years, and the Rent may have exceeded the Rate of Twenty Pounds a Year, and a Fine may have been reserved or made payable:

1 & 2 Vict. c. 74.

(2.) The Notice of Intention to apply to Justices to recover Possession under that Act may require Possession to be given up on or before the Expiration of Seven clear Days from the Service of the Notice, and the Form of Notice may be varied accordingly:

(3.) The Justices by that Act authorized to issue a Warrant for giving Possession may by such Warrant authorize Entry

Entry and Delivery of Possession either forthwith or on or before such Day as the Justices think fit:

(4.) Such Possession as aforesaid may (at the Option of the Admiralty) be recovered with Rent or Mesne Profits, or both, under the Act of the Session of the Nineteenth and Twentieth Years of Her Majesty (Chapter One hundred and Eight) "to amend the "Acts relating to the County Courts," as in Cases provided for in Section Fifty of that Act, and the Provisions auxiliary thereto, although the Value of the Premises and the Rent payable in respect thereof may have exceeded Fifty Pounds by the Year; and it shall not be necessary to prove the yearly Value and Rent as thereby required. 19 & 20 Vict. c. 108.

As to Recovery of Possession of Land in Ireland from Tenants.

XIII. Where any Lease or Agreement of or concerning Lands in *Ireland* purchased or taken by the Admiralty under this Act or under any such Special Act as aforesaid of the present or any future Session, is determined by Expiration, Notice, or Forfeiture (except for Nonpayment of Rent), the following Provisions shall take effect:

(1.) Possession of such Lands may be recovered by the Admiralty, as provided by Section Seventy-two of the Act of the Session of the Fourteenth and Fifteenth Years of Her Majesty (Chapter Fifty-seven), "to "consolidate and amend the Laws relating to Civil "Bills and the Courts of Quarter Sessions in *Ireland*, "and to transfer to Assistant Barristers certain Juris- "diction as to Insolvent Debtors," in the Case of Lands holden by a Tenant at a Rent not exceeding Fifty Pounds per Annum, and the Tenant's Interest wherein is determined, notwithstanding the Rent payable under such Lease or Agreement may exceed that Amount: 14 & 15 Vict. c. 57.

(2.) Such Possession as aforesaid may (at the Option of the Admiralty) be recovered, as provided by Section Fifteen of The Summary Jurisdiction (*Ireland*) Act, 1851, for the Recovery of Possession of Houses in certain Towns and Villages: 14 & 15 Vict. c. 92.

(3.) The last-mentioned Mode of Recovery shall apply wherever the Lands may be situate, and at and for whatever Rent and Term the same may have been holden; and notwithstanding anything in the last-mentioned Provision, the Justices authorized to issue a Warrant for giving Possession may by such Warrant authorize Possession to be given forthwith, or on or before such Day as the Justices think fit; and the Justices

Justices may, if they think fit, issue such Warrant notwithstanding the Tenant may be willing to give such Undertaking as in that Provision mentioned.

Sale.

Exception from Incorporation of Provisions as to Sale of superfluous Lands.

XIV. Notwithstanding anything in this Act, such Provisions of the Lands Clauses Acts as relate to the Disposal of superfluous Lands, and to the Effect of the Words "grant" and "dispone" respectively in any Conveyance shall not apply to Lands purchased or taken by the Admiralty under this Act or under any such Special Act as aforesaid of the present or any future Session.

Power to Admiralty to sell Lands not required for Public Service.

XV. Where any Lands purchased or taken by the Admiralty under this Act or under any such Special Act as aforesaid of the present or any future Session appear to the Admiralty to be no longer required to be held by them for the Public Service, the Admiralty may, with the previous Consent of the Lords Commissioners of the Treasury, sell the same, and may for that Purpose enter into, execute, and do all necessary or proper Contracts, Assurances, and Things.

Rights of Pre-emption preserved.

XVI. Nothing in this Act shall take away any Right of Pre-emption to which any Person is for the Time being entitled under the Lands Clauses Acts in respect of any Lands purchased or taken by the Admiralty under this Act, or under any such Special Act as aforesaid of the present or any future Session.

Payment of Purchase Money.

XVII. The Purchase Money payable on any Sale under this Act shall be paid to Her Majesty's Paymaster General, whose Receipt shall be an effectual Discharge for the same.

Lands vested indefeasibly in Purchaser.

XVIII. On the Payment of such Purchase Money and the Execution and Delivery to the Purchaser by the Admiralty of the necessary or proper Assurance of the Lands sold, the Purchaser shall, notwithstanding any Defect in the Title of the Admiralty thereto, stand seised or possessed thereof for such Estate or Interest as may be expressed or intended to be assured to him, freed and absolutely discharged (save as in the Assurance may be expressed) from all prior Estates, Interests, Rights, and Claims therein or thereto.

Compensation by Admiralty for prior Interests (if any) afterwards established.

XIX. If, nevertheless, at any Time after any such Sale, any such prior Estate, Interest, Right, or Claim as aforesaid is made out to the Satisfaction of the Admiralty to be capable of being established at Law or in Equity, or is so established, the Admiralty shall make Compensation for the same.

For the Purposes of the present Section the Provisions of the Lands Clauses Acts with respect to Interests in Lands which have by Mistake been omitted to be purchased shall apply

apply and take effect as if the Lands had not been sold by the Admiralty, or as near thereto as Circumstances admit, with this Addition, namely,—that such Compensation shall not in any Case exceed the Amount of the Purchase Money received by the Admiralty on the Sale of the Lands in respect whereof such Estate, Interest, Right, or Claim is made out or established, exclusive of the Value of any Buildings or Improvements erected or made thereon by the Admiralty for the Public Service.

IV.—Works.

Incorporation of Railways Clauses Acts as to certain Works, Roads, &c.

XX. Where, by any such Special Act as aforesaid of the present or any future Session, Powers for the Execution of particular Works are given to the Admiralty, there shall be incorporated with the Act giving those Powers (which shall for this Purpose be deemed the Special Act) the following Provisions, namely:

Where the Lands on which the Works are authorized to be executed are situate in *England* or *Ireland*, Sections Eighteen, Nineteen, Twenty, Twenty-one, Twenty-two, and Twenty-four of The Railways Clauses Consolidation Act, 1845, and the Provisions of the same Act with respect to the temporary Occupation of Lands near the Railway during the Construction thereof:

Where the Lands on which the Works are authorized to be executed are situate in *Scotland*, Sections Eighteen, Nineteen, Twenty, Twenty-one, Twenty-two, and Twenty-four of The Railways Clauses Consolidation (*Scotland*) Act, 1845, and the Provisions of the same Act with respect to the temporary Occupation of Lands near the Railway during the Construction thereof:

And for the Purposes of the present Section the Works authorized to be executed shall be deemed the Railway, and the Admiralty shall be deemed the Company, within the Meaning of the incorporated Provisions.

V.—Miscellaneous.

Exception from Incorporation of Requirements as to Bonds.

XXI. Notwithstanding anything in this Act, so much of any Provision by this Act incorporated with any such Special Act as aforesaid of the present or any future Session as requires a Bond to be given in relation to any Lands or Works shall not be incorporated with such Act, but in any such Case, in lieu of such Bond, and with the same Effect as if such Bond were given, the Admiralty shall give an Undertaking in Writing

Writing to the like Purport (as nearly as Circumstances admit) as the Condition of such Bond.

Provision for Purchase Money, &c.

XXII. All Purchase, Compensation, or other Money under this Act, or under any such Special Act as aforesaid of the present or any future Session, agreed to be paid by or recovered against the Admiralty, shall be paid by them out of Money to be provided and appropriated for that Purpose by Parliament.

Service of Notices, &c.

XXIII. Any Notice, Summons, Writ, or other Document required to be served on the Admiralty for the Purposes of this Act, or of any such Special Act as aforesaid of the present or any future Session, may be served by being delivered to the Secretary of the Admiralty, or by being sent to him by Post in a registered Letter, addressed to him at the Admiralty Office, *Whitehall, London*, or by being left for him there; and any Document so sent by Post shall be considered as served on the Day on which such Letter would be delivered in the ordinary Course of Post.

Any Notice, Summons, Writ, or other Document required to be served on behalf of the Admiralty for the Purposes aforesaid may be given under the Hand of such Officer or Person as the Admiralty from Time to Time direct.

Application of pecuniary Penalties, &c.

XXIV. Notwithstanding anything in this Act or in any Act relating to Municipal Corporations or to the Metropolitan Police, or in any other Act, any pecuniary Penalty or other Money recovered under this Act, or under any such Special Act as aforesaid of the present or any future Session, or in relation to Lands purchased or taken by the Admiralty under this Act or under any such Act, shall be paid and applied as the Admiralty direct.

Protection to Admiralty against Penalties, &c.

XXV. The Admiralty shall not, by reason of anything done or omitted to be done in the Execution or intended Execution or in pursuance of this Act or of any such Special Act as aforesaid of the present or any future Session, or in relation to any Lands purchased or taken by them under this Act or under any such Act, be liable collectively or individually to any Fine, Penalty, or Forfeiture, or to Execution of any Process against the Person or Property, anything in any Act incorporated with this Act or with any such Act notwithstanding.

Extension of Provisions as to Actions and Suits.

XXVI. The Provisions of this Act respecting Actions and Suits by and against the Admiralty relative to Lands shall apply in relation to all Lands for the Time being purchased or taken or contracted to be purchased or taken by the Admiralty under any General or Special Act in force at the passing of this Act.

XXVII. Nothing

XXVII. Nothing in this Act shall take away or prejudicially affect any Power, Right, or Authority that would or might have been vested in or exercised by the Admiralty if this Act had not been passed. Nothing to affect Rights of Admiralty.

CAP. LVIII.

An Act for confirming a Provisional Order concerning Pilotage made by the Board of Trade under The Merchant Shipping Act Amendment Act, 1862, *relating to* Hartlepool.—[25*th* July 1864.]

CAP. LIX.

An Act to continue the Deputy Commissioners in Lunacy in Scotland, *and to make further Provision for the Salaries of the Deputy Commissioners, Secretary, and Clerk of the General Board of Lunacy in* Scotland.—[25*th* July 1864.]

WHEREAS by the Act Twentieth and Twenty-first *Victoria*, Chapter Seventy-one, Provision was made for the Appointment of Deputy Commissioners under the said Act for Five Years after the passing thereof, and by the Act Twenty-fifth and Twenty-sixth *Victoria*, Chapter Fifty-four, the Provisions of the first-recited Act were continued until the First Day of *August* One thousand eight hundred and sixty-four: And whereas it is expedient that the said Provisions should be further continued, and that the said Acts should be amended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 20 & 21 Vict. c. 71. 25 & 26 Vict. c. 54.

I. The Provisions of the first-recited Act in regard to the Appointment of Deputy Commissioners shall be and are hereby continued until the First Day of *August* One thousand eight hundred and sixty-six. Continuance of Deputy Commissioners.

II. The Provisions of Sections Thirteen, Sixteen, and Twenty-one of the first-recited Act with respect to the Amount of Salary Treasury to regulate Salaries of

Secretary, Clerk, and Deputy Commissioners.

Salary payable to the Secretary, Clerk, and Deputy Commissioners appointed or to be appointed under the same are hereby repealed, and the said Secretary, Clerk, and Deputy Commissioners shall receive Salaries of such Amount as shall from Time to Time be regulated and approved by the Commissioners of Her Majesty's Treasury; but such Salaries shall not exceed the Sums herein-after specified, that is to say, Six hundred Pounds *per Annum* for the said Secretary, Three hundred Pounds *per Annum* for the said Clerk, and Six hundred Pounds *per Annum* for each of the said Deputy Commissioners.

CAP. LX.

An Act to enable Her Majesty to grant a Lease for Nine hundred and ninety-nine Years of the Building known as the College of Physicians in Pall Mall East.—[25*th* July 1864.]

CAP. LXI.

An Act for empowering the Commissioners of the Treasury to guarantee, and the Commissioners for the Reduction of the National Debt to advance, the Sums authorized to be borrowed for the Embankment of the Thames *and Improvement of the Metropolis; and for other Purposes connected therewith.* —[25*th* July 1864.]

CAP. LXII.

An Act for amending the Isle of Man *Harbours Act,* 1863.—[25*th* July 1864.]

CAP. LXIII.

An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.—[25*th* July 1864.]

CAP. LXIV.

An Act for further regulating the closing of Public Houses and Refreshment Houses within the Metropolitan Police District, the City of London, *certain Corporate Boroughs, and other Places.*—[25*th* July 1864.]

CAP. LXV.

An Act for amending the Law relating to the Removal of Clerks of the Peace.—[25*th* July 1864.]

CAP. LXVI.

An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners.—[25*th* July 1864.]

CAP. LXVII.

An Act to amend the Law in certain Cases relating to Trespasses in Pursuit of Game.—[25*th* July 1864.]

§ III. This Act shall extend and be construed to extend to *Ireland* only.

CAP. LXVIII.

An Act to amend the Local Government Act of 1858 *so far as it applies to* Oxford.—[25*th* July 1864.]

CAP. LXIX.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain *and* Ireland; *to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers.*—[25*th* July 1864.]

CAP. LXX.

An Act to substitute fixed instead of fluctuating Incomes for the Members of certain minor Corporations in certain of the Cathedral Churches in England.—[25*th* July 1864.]

CAP. LXXI.

An Act for amending and extending the Railways, Ireland, *Act,* 1851, *and the Railways,* Ireland, *Act,* 1860.—[25*th* July 1864.]

CAP. LXXII.

An Act to explain certain Provisions contained in the Drainage and Improvement of Lands (Ireland) *Act*, 1863.—[25*th* July 1864.]

CAP. LXXIII.

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and sixty-four, and to appropriate the Supplies granted in this Session of Parliament.—[29*th* July 1864.]

CAP. LXXIV.

An Act for raising the Sum of One million six hundred thousand Pounds by Exchequer Bonds for the Service of the Year One thousand eight hundred and sixty-four.—[29*th* July 1864.]

CAP. LXXV.

An Act to amend the Law relating to certain Nuisances on Turnpike Roads, and to continue certain Turnpike Acts in Great Britain.—[29*th* July 1864.]

(This Act is not applicable to Scotland.)

CAP. LXXVI.

An Act to make valid defective Registration of Deeds in certain Cases, and to substitute Stamps in lieu of the

the Fees now payable on Proceedings in the Registrar of Deeds Office in Ireland.—[29*th* July 1864.]

CAP. LXXVII.

An Act to repeal and in part re-enact certain Acts of Parliament relating to the Ionian *States, and to establish the Validity of certain Things done in the said States.*—[29*th* July 1864.]

CAP. LXXVIII.

An Act for impressing by Machinery Signatures of Names on Bank Notes and certain Bills of the Bank of Ireland.—[29*th* July 1864.]

CAP. LXXIX.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.—[29*th* July 1864.]

CAP. LXXX.

An Act to extend the Provisions of "The Criminal Justice Act, 1855," *to the Liberties of the Cinque Ports and to the District of* Romney Marsh *in the County of* Kent.—[29*th* July 1864.]

CAP. LXXXI.

An Act for amending the Act 11*th &* 12*th* George *the Third, cap.* 17. (1.), *in respect of the Charges on the Revenues of the Archbishopric of* Armagh.—[29*th* July 1864.]

CAP. LXXXII.

An Act to guarantee the Liquidation of a Loan for the Service of the Colony of New Zealand.—[29*th* July 1864.]

CAP. LXXXIII.

An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," *relating to the Districts of* Kingston-upon-Hull, Stockport, Penzance, Shanklin, Portsmouth, Tunbridge Wells, Woolwich, *and* Tormoham.—[29*th* July 1864.]

CAP. LXXXIV.

An Act for continuing various expiring Acts.—[29*th* July 1864.]

WHEREAS the several Acts mentioned in the First Column of the Schedule hereto are wholly, or as to certain Provisions thereof, limited to expire at the Times specified in respect of such Acts in the Fourth Column of the said Schedule: And whereas it is expedient to continue such Acts, in so far as they are temporary in their Duration, for the Times mentioned in respect of such Acts respectively in the Fifth Column of the said Schedule: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in

in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as the "Expiring Laws Continuance Act, 1864."

Continuance of Acts in Schedule.

II. The Acts mentioned in Column One of the said Schedule, and the Acts, if any, amending the same, shall, in so far as such Acts or any Provisions thereof are temporary in their Duration, be continued until the Times respectively specified in respect of such Acts in the Fifth Column of the said Schedule.

SCHEDULE.

1. Original Acts.	2. Amending Acts.	3. How far temporary.	4. Time of Expiration of temporary Provisions.	5. Continued until
3 & 4 Vict. c. 91. Linen, Hempen, Cotton, and other Manufactures (Ireland).	5 & 6 Vict. c. 68. 7 & 8 Vict. c. 47.	Whole Act -	Five Years from the Date of 22 & 23 Vict. c. 25., *i. e.* 5 Years from the 13th August 1859.	13th August 1869.
10 & 11 Vict. c. 90. Poor Laws (Ireland).	14 & 15 Vict. c. 68.	As to Appointment of Commissioners, &c.	23d July 1864, and End of then next Session. (26 & 27 Vict. c. 95.)	23d July 1865, and End of then next Session.
10 & 11 Vict. c. 98. Ecclesiastical Jurisdiction.	- - -	As to Provisions continued by 21 & 22 Vict. c. 50.	1st August 1863, and End of then next Session. (26 & 27 Vict. c. 95.)	1st August 1865, and End of then next Session.
11 & 12 Vict. c. 32. County Cess (Ireland).	20 & 21 Vict. c. 7.	Whole Act -	1st August 1864, and End of then next Session. (26 & 27 Vict. c. 95.)	1st August 1865, and End of then next Session.
11 & 12 Vict. c. 107. Sheep and Cattle diseased.	16 & 17 Vict. c. 62.	Whole Act -	1st August 1864, and End of then next Session. (26 & 27 Vict. c. 95.)	1st August 1865, and End of then next Session.
14 & 15 Vict. c. 104. Episcopal and Capitular Estates Management.	17 & 18 Vict. c. 116. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124.	Whole Act -	1st January 1864, and End of then next Session. (26 & 27 Vict. c. 95.)	1st January 1865, and End of then next Session.
17 & 18 Vict. c. 117. Incumbered Estates (West Indies).	21 & 22 Vict. c. 96. 25 & 26 Vict. c. 45.	As to Appointment of Commissioners.	2d August 1863, and End of then next Session. (21 & 22 Vict. c. 96.)	2d August 1865.
24 & 25 Vict. c. 109. Salmon Fishery (England) Act.	- - -	As to Appointment of Inspectors, s. 31.	1st October 1864.	1st October 1865.

CAP. LXXXV.

An Act for the Prevention of Contagious Diseases at certain Naval and Military Stations.—[29*th* July 1864.] (England and Ireland.)

CAP. LXXXVI.

An Act to permit for a limited Period Compositions for Stamp Duty on Bank Post Bills of Five Pounds and upwards in Ireland.—[29*th* July 1864.]

CAP. LXXXVII.

An Act to amend the Law relating to Publication of Accounts of Corn imported, and to Returns of Purchases and Sales of Corn.—[29*th* July 1864.] (England and Wales.)

CAP. LXXXVIII.

An Act for the better Regulation of the Traffic on Westminster Bridge, *and for the Prevention of Obstructions thereon.*—[29*th* July 1864.]

CAP. LXXXIX.

An Act to amend The Defence Act, 1842.—[29*th* July 1864.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. Where,

Effect of past Orders in Council under Sect. 5. of 5 & 6 Vict. c. 94.

I. Where, under Section Five of the Defence Act, 1842, any Order in Council has been made before the passing of this Act transferring to any Body or Persons, for any Public Service, the Management, Control, and Use of any Land, the Land in the Order comprised, with the Appurtenances, shall, from the passing of this Act, be vested in the Body or Persons in the Order described for an absolute Estate in Fee Simple, in trust for Her Majesty, Her Heirs and Successors, for the Public Service in the Order mentioned.

Effect of future Orders in Council.

II. Where, under the said Section, any Order in Council is made after the passing of this Act, whereby any Hereditaments are expressed to be transferred to any Body or Persons for any Public Service, the Hereditaments in the Order comprised shall by virtue of the Order and of this Act be vested, to all Intents, at Law and in Equity, in the Body or Persons to whom the Transfer is expressed to be made, for the Estate or Interest for which the same are in the Order expressed to be transferred, to be held by the Body or Persons aforesaid in trust for Her Majesty, Her Heirs and Successors, for the Public Service in the Order mentioned.

Saving of Rights of all Persons.

III. Nothing in this Act shall affect any Estate, Interest, Right, or Claim in or to any Land or Hereditaments comprised in any such Order, made or to be made, other than such Estate, Interest, Right, or Claim as at the Time of the making of the Order was or is had therein or thereto by or in trust for Her Majesty, Her Heirs and Successors.

Land, &c. vested under this Act to be held according to 27 & 28 Vict. c. 57.

IV. Any Land or Hereditaments vested under this Act in the Lord High Admiral of the United Kingdom, or the Commissioners for executing his Office, shall so vest and shall be held and used subject and according to the Provisions of The Admiralty Lands and Works Act, 1864, as if the same had been purchased or taken by Agreement under that Act.

Short Title.

V. This Act may be cited as "The Defence Act Amendment Act, 1864."

CAP. XC.

An Act to amend an Act of the present Session, Chapter Eighteen, as to the Stamp Duties on certain Letters or Powers of Attorney.—[29*th* July 1864.]

27 & 28 Vict. c. 18.

WHEREAS by an Act passed in the present Session of Parliament, Chapter Eighteen, certain Stamp Duties are granted and imposed for and upon any Letter or Power of

of Attorney for the Sale, Transfer, or Acceptance of any of the Government or Parliamentary Stocks or Funds, and also for and upon any Letter or Power of Attorney for the Receipt of Dividends of any such Stocks or Funds; and Doubts have arisen whether both the said Duties may not be chargeable upon one and the same Instrument: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Letters of Attorney for the Sale, &c. of Government Stock how to be charged with Stamp Duty.

I. No Letter or Power of Attorney made for the Sale, Transfer, or Acceptance of any of the Government or Parliamentary Stocks or Funds, and duly stamped in that Behalf, shall be chargeable with any further or other Stamp Duty by reason of its containing therein any Authority for the Receipt of Dividends on any such Stocks or Funds.

As to Letters requesting that Dividends or Interest of Stocks, &c. may be paid to Nominees.

II. And whereas Doubts have arisen as to whether certain Letters or Writings herein-after described are chargeable with Stamp Duty as Letters or Powers of Attorney: Be it enacted, That no Letter or other Writing under Hand only containing any Request or Direction to any Joint Stock or other Company or Society, or to any Secretary, Treasurer, or other Officer thereof, or to any Banker, by the Owner or Proprietor of any Stocks, Funds, or Shares of or in any such Company or Society, to pay the Dividends or Interest arising from any such Stocks, Funds, or Shares to any Person named in such Order, Request, or Direction, shall be chargeable with Stamp Duty as a Letter or Power of Attorney.

CAP. XCI.

An Act for the more effectual Protection of Her Majesty's Naval and Victualling Stores.—[29*th* July 1864.]

§ 2. This Act shall not extend to *Scotland* or *Ireland.*

CAP. XCII.

An Act for annexing Conditions to the Appointment of Persons to Offices in the Governing Bodies of certain Public Schools and Colleges.—[29*th* July 1864.] (England.)

CAP. XCIII.

An Act for confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, *relating to* Brighton, Eastbourne, Sandown, Walton-on-the-Naze, Clevedon, Rhyl, Bray, Kircubbin, Walton, (Suffolk), Holywood, Exe Bight, Lytham, Ardglass, Filey, Greenock, Carlingford Lough, Wexford, Torquay, *and* Oban.—[29*th* July 1864.]

24 & 25 Vict. c. 45.

WHEREAS a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any Validity or Force whatever until the Confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act, and set out in the Schedule hereto, with the Amendments hereinafter mentioned, relating to the *Ardglass*, *Carlingford Lough*, and *Oban* Provisional Orders, and subject to the Provision herein-after contained, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Confirmation of Orders in Schedule.

I. The several Provisional Orders set out in the Schedule hereto shall be and are hereby confirmed, and all the Provisions thereof, in Manner and Form as they are set out in the said Schedule, shall, from and after the passing of this Act, have full Validity and Force, except as herein-after mentioned.

Rates on Passengers not to be levied at the Harbour of Oban.

IV. With respect to The *Oban* Pier and Harbour Order, 1864, set out in the Schedule to this Act annexed, and notwithstanding anything contrary to this Enactment contained in the said Order or the Schedule thereto annexed, or the Acts therein recited, or this Act, be it enacted, That it shall not be lawful for the Undertakers under the said Order to demand or receive any Rates or Charges on or in respect of any Passenger, Reaper, or other Person landing from or embarking in any Vessel at the existing Pier and Works, or the proposed Breastwork and Sea Wall and other Works at the Harbour of *Oban* mentioned in the said Order, and the said Pier, Breastwork,

work, Sea Wall, and other Works may be used free from Rates and Charges by all Passengers, Reapers, and other Persons landing from or embarking in any Vessel at the said Harbour.

The Clauses numbered 8 and 15 of the said *Oban* Pier and Harbour Order shall be deemed to be and the same are by this Act expunged from the said Order.

The Clause following shall be held to be inserted in the said Order instead of Clause 8 thereof:

The Limits of this Order shall be the Area within a Portion of a Circle of Two hundred and fifty Yards Radius drawn seawards from the Head of the existing Pier taken as a Centre: Provided that nothing contained in this Order or in the Acts herein recited shall prevent the Appointment of a Harbour Master for the Bay of *Oban* under the Authority of any Act of Parliament or Provisional Order hereafter to be passed with Powers and Jurisdiction extending over the whole of the said Bay, including the Area within the Limits above referred to, but not any Portion of the Works of the Undertakers, and on the Appointment of such Harbour Master the Powers and Authorities conferred on or exercisable by any Harbour Master to be appointed under the Authority of this Order or the Acts herein recited shall cease and determine, except as regards the said Works of the Undertakers.

The Fourteenth, Fifteenth, and Sixteenth Sections of "The General Pier and Harbours Act, 1861, Amendment Act," shall apply to the said Order and to the Undertakers under the same, as if the said Undertakers were a Company incorporated by the said Order for the Purposes of the Undertaking, and the Word "Company" in the said Sections shall mean the said Undertakers: Provided that the clear annual Profits on the Average of Three Years referred to in the said Fourteenth Section shall, with regard to the said Order and for the Purposes specified in the said Sections, be held to be a Sum not exceeding One thousand Pounds.

Ardglass, Carlingford Lough, and Oban, amended Orders to be valid and effectual.

V. The said *Ardglass*, *Carlingford Lough*, and *Oban* Provisional Orders, subject to the Omissions, Alterations, and Additions thereto respectively in this Act mentioned, shall be valid and effectual, and the same Alterations and Additions respectively shall be read and construed as if they formed Part of the same Orders respectively, as made by the Board of Trade, and as such are hereby confirmed.

Certain Fishing Vessels forced by Stress of

VI. Notwithstanding anything in the said Act, or in any Act amending the same, or in any Provisional Order confirmed by this Act, Fishing Vessels belonging to Countries with which Treaties exist exempting from Duties and Port Charges

Weather to use any Pier, &c., to be exempt from Rates.

Charges such Vessels when forced by Stress of Weather to seek Shelter in the Ports or on the Coasts of the United Kingdom shall, when forced by Stress of Weather to make use of any Pier or Harbour to which any Provisional Order confirmed by this Act relates, and not breaking Bulk while making use of such Pier or Harbour, be exempt from Rates leviable under the Provisional Order relating to such Pier or Harbour.

Amendment of Walton Order.

VII. Nothing in this Act, or in the *Walton* (*Suffolk*) Pier Order confirmed by this Act, shall authorize the Construction of any Jetty, Pier, Embankment, or other Work so as to interfere with any Battery already erected at *Walton* aforesaid, or to mask the Fire of the Guns thereof.

Short Title.

VIII. This Act may be cited as The Pier and Harbour Orders Confirmation Act, 1864.

The SCHEDULE of Provisional Orders.

15. GREENOCK.—Extension and Improvement of Harbour.
19. OBAN.—Construction of further Works.

GREENOCK.

Provisional Order of the Board of Trade to enable the Trustees of the Port and Harbours of Greenock on the Frith of Clyde to widen and extend Albert Harbour there, and for the Improvement, Maintenance, and Regulation of the said Port and Harbours.

Preamble.

Whereas the provost, four bailies, treasurer, and whole councillors of the burgh of Greenock on the Frith of Clyde, acting under the Local Act of Parliament of the fifth year of the reign of Her present Majesty, session second, chapter fifty-four, and the several other Acts of Parliament as to the port and harbours of Greenock therein recited, that is to say, the following Local Acts of the reign of His Majesty King George the Third, namely, of the thirteenth year, chapter twenty-eight, of the twenty-ninth year, chapter forty-three, of the forty-first year, chapter fifty-one, of the forty-third year, chapter eighty-seven, of the fiftieth year, chapter one hundred and sixty-seven, and of the fifty-seventh year, chapter thirty-two, are the trustees of the said port and harbours of Greenock, in this Order called the trustees:

And whereas, under The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment

ment Act, the trustees made application by memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after styled the Board of Trade, praying for a Provisional Order under the said last-mentioned Acts for extension of a harbour called Albert Harbour within the limits of their port, and now in course of construction by them under powers contained in the Act first mentioned, by widening the said harbour, and that they might have power to acquire lands and property for that purpose, and that other provisions might be made in regard thereto: *Greenock.*

And whereas the estimated expenditure for the proposed extension and works is forty thousand pounds and no more:

And whereas the trustees claim a right to levy certain dues on ships bound to or from Glasgow which load or discharge at the Tail of the Bank in the Clyde, and on the goods there laden into and discharged from such ships:

And whereas the said claim is disputed, and it is expedient that such dispute should be put an end to in the manner and at the time herein-after mentioned:

And whereas the trustees published the advertisements and deposited the documents which by the General Pier and Harbour Acts before mentioned they were required to publish and deposit:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled the present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatsoever):

Now, therefore, the Board of Trade do by this Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, order—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force:

1. The trustees and their successors in office, trustees of the port and harbours of Greenock, shall be the undertakers under this Order. The undertakers.

2. For the purposes of the works authorized by this Order the undertakers may from time to time, by agreement, enter on, Power to take specified

Greenock.

lands by agreement.

on, take, and use all or any part of the lands shown on the deposited plan as intended to be taken for the purposes of the proposed works.

Lands Clauses Acts incorporated.

3. The Lands Clauses Consolidation (Scotland) Act, 1845, except so much thereof as relates to the purchase and taking of lands otherwise than by agreement, and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Order.

Power to make works.

4. Subject to the provisions of this Order, the undertakers may, on the lands taken by them under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plan and sections, make and maintain the further or extended works at the said Albert Harbour shown on the deposited plan.

Description of works.

5. The works authorized by this Order are the following:

An extension of the harbour called Albert Harbour, now in course of construction, by widening the same to the extent of twenty-three yards or thereby additional, on the southern side thereof, along the whole length of the said Albert Harbour, being three hundred and thirty yards or thereby, embracing the extension of the East Quay of the said Albert Harbour for the said distance of twenty-three yards or thereby in a southerly direction, and of the West Quay of the said Albert Harbour for a like distance in a like direction, and the formation of the South Quay at a like distance southward from its site as heretofore designed; and the excavation of the said additional harbour ground to be acquired under this Order to the requisite depth, as the said extended Albert Harbour ground and works are shown on the deposited plan and sections.

Application of the Harbours, Docks, and Piers Clauses Act.

6. The Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, excepting in so far as regards the provisions with respect to the construction of the harbour, dock, or pier, which, so far as the said Albert Harbour remains to be completed, shall be applicable to the same, and excepting also in so far as regards the sections fourteen, fifteen, twenty-five, and twenty-six, and the saving of rights sections of the said Act.

Trustees may levy rates.

7. The trustees may demand and receive for the use of the said Albert Harbour and works on all vessels, passengers, animals, goods, matters, and things resorting to, and landing at, or loaded or unloaded at the said Albert Harbour, or using the same, or works therewith connected, the rates, dues, and duties by the recited local Acts authorized to be levied for and at the said port and harbours of Greenock, as the same are

are or may be modified or altered by The Harbours and Passing Tolls, &c. Act, 1861, to be levied to the same extent, and by the same process, and in the same way and manner in all respects as the rates, dues, and duties leviable under the said local Acts as so modified or altered are and may be levied, demanded, and received.

Application of rates.

8. The said rates, dues, and duties shall be applicable to payment of the costs incurred in regard to this Order, and to the purposes to which the rates, dues, and duties leviable under the said recited local Acts are applicable, the said Albert Harbour and works being always regarded as part of the works and undertaking of the port and harbours of Greenock.

Application of Harbour Acts and of Police Act to this Order.

9. The whole provisions of the said recited local Acts, and also of the local Police Act of the third year of the reign of Her present Majesty, chapter twenty-seven, shall, so far as applicable and not altered by this Order, be applied to the said Albert Harbour and works as part of the works and undertaking of the said port and harbours of Greenock.

Trustees may apply funds in their hands in execution of works.

10. The trustees may apply in and towards execution of the said extension of Albert Harbour and works hereby authorized all funds in their hands derived from the rates and income of the trustees, or in their hands, or that may come to be in their hands, through any loan effected or that may be effected by them with the Public Works Loan Commissioners, or effected or to be effected with private parties.

Power to borrow.

11. For the purpose of the purchase of lands and property, and for the execution of the said extension of Albert Harbour and works, the trustees may borrow and take up at interest, on the credit of the whole rates, dues, and duties leviable by them, and of the other property vested in them, any sum or sums of money not exceeding forty thousand pounds, and on any part of the same being repaid re-borrow the same if necessary, and assignments for such sum or sums and transfers of the same may be granted and registered in all respects as by the Harbour Act first recited is provided in regard to the borrowing of money thereby authorized:

Provided always, that nothing herein contained shall affect any mortgage granted, or that may be granted by the trustees to the Public Works Loan Commissioners, whether with regard to its constitution, preference, or any other particular whatsoever, without consent of the said Commissioners, nor shall anything herein contained affect, as to priority or otherwise, any mortgage granted by the trustees to any person before the commencement of the operation of this Order.

12. The trustees may provide such steam engines, steam vessels,

Greenock.
Steam vessels, lighters, &c.

vessels, piling engines, ballast lighters, rubbish lighters, and other machinery and vessels as they think necessary for the purposes of the port and harbours, and may demand and receive such sums for the use of the same as they think reasonable.

Part. V. of 24 & 25 Vict. c. 47. to apply.

13. Part V. of The Harbours and Passing Tolls Act, 1861, shall apply to the said port and harbours of Greenock.

Abolition of dues levied at the Tail of the Bank.

14. All dues levied or leviable by the trustees on ships which, being bound to or from ports other than Greenock, load or discharge goods at the Tail of the Bank in the Clyde, or on goods there laden into or discharged from such ships, shall cease at the time following; that is to say,

If there is paid to the trustees a composition equal to the aggregate amount of the dues levied by them on such ships and goods as aforesaid during the four years ending the thirty-first day of December one thousand eight hundred and sixty-three, then immediately on such payment:

If no such composition is made, then from the thirty-first day of December one thousand eight hundred and sixty-eight:

Provided, that nothing in this section shall apply to any ships or goods that enter or use the basins, quays, or other harbour works of the trustees, or shall limit or otherwise affect the boundaries of the harbours of Greenock.

Short Title.

15. This Order may be cited as the Greenock Harbour Order, 1864.

Board of Trade, Whitehall,
Dated this 29th day of March 1864.

(Signed) T. H. Farrer,
Marine Secretary.

OBAN.

Provisional Order of the Board of Trade to enable the Trustees of the late John Marquess of Breadalbane to construct further Works at the Harbour of Oban in the County of Argyll; and to levy Rates; and for the Improvement and Maintenance and Regulation of the said Harbour.

Preamble.

Whereas, under The Pier and Harbour Order Confirmation Act, 1862, the Oban Pier and Harbour Order set out in the Schedule thereto, made under The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861,

1861, Amendment Act, (which Order is herein-after called the Order of 1862,) empowering the Most Honourable John Marquess of Breadalbane, now deceased, to improve, maintain, and regulate the Pier and Harbour at Oban aforesaid in the county of Argyll, was confirmed: *Oban.*

And whereas the Right Honourable Fox Earl of Dalhousie, the Honourable Charles Baillie, one of the Senators of the College of Justice, and Alexander Currie, Esq., one of the principal Clerks of Session in Scotland, accepting and acting trustees appointed by the said deceased John Marquess of Breadalbane by his trust disposition and settlement dated the 26th day of November 1847, and registered along with other relative writings in the Books of Council and Session in Scotland the 26th day of December 1862, and now vested with the lands, pier and harbour, and other properties at Oban which belonged to the said deceased Marquess, herein-after called the promoters, made application by a memorial to the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations, herein-after called the Board of Trade, representing that the works undertaken by the Order of 1862 had been completed, and praying their Lordships to grant another Provisional Order to amend the Order of 1862, and containing powers to them to construct a sea wall and breastwork and other works at the said pier and harbour, and to levy rates at the said pier and harbour and breastwork, and for other purposes:

And whereas the estimated expenditure on the said proposed works is two thousand five hundred pounds, and no more:

And whereas the promoters published the advertisements and deposited the documents which by the thirdly-mentioned Act they were required to publish and deposit:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled the present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which this Provisional Order will not be of any validity or force whatever):

Now, therefore, the Board of Trade do by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, order—

That from and immediately after the passing of an Act of Parliament

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Parliament confirming this Provisional Order the following provisions shall take effect and be in force:

The undertakers.

1. The said Fox Earl of Dalhousie, Charles Baillie, and Alexander Currie, and the survivors and survivor of them, and the trustee or trustees to be assumed by them under the powers contained in the said trust disposition and settlement, and proprietors for the time being of the pier and harbour of Oban and works hereby authorized, shall be the undertakers under this Order.

Power to take specified lands by agreement.

2. For the purposes of the works authorized by this Order the undertakers may from time to time, by agreement, enter on, take, and use all or any part of the lands shown on the deposited plan as intended to be taken for the purpose of the proposed works.

Lands Clauses Acts incorporated.

3. The Lands Clauses Consolidation (Scotland) Act, 1845, except so much thereof as relates to the purchase and taking of lands otherwise than by agreement, and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Order.

Power to make works.

4. Subject to the provisions of this Order, the undertakers may, on the lands taken by them under this Order, and in the lines, and according to the levels, and within the limits of deviation shown on the deposited plan and section, make and maintain the further works at the said pier and harbour shown on the deposited plan.

Description of works.

5. The works authorized by this Order are the following:

A breastwork and sea wall and relative works commencing on the eastern side of the existing pier which belonged to the said deceased Marquess, and is now vested in the undertakers, and at a point 38 lineal yards or thereby south of the north-western or seaward extremity of the said pier, and extending a distance of 280 lineal yards or thereby from the said existing pier in a northerly direction, and terminating at or near to the southern and seaward extremity of the breastwork or sea wall which is already constructed in front or seaward of Columbia Terrace, on the lands of Dunolly, or at or near to the stream on the south end of the said last-mentioned breastwork, all situated at the town of Oban in the united parishes of Kilmore and Kilbride in the county of Argyll.

Time for completion of works.

6. The time for the completion of the works authorized by this Order shall be three years after the passing of an Act confirming this Order.

Partial repeal of

7. The provision of the Order of 1862, whereby The Harbours,

Harbours, Docks, and Piers Clauses Act, 1847, with respect to rates, and to the collection and recovery of rates, and sections 16, 17, 18, and 19 in that Act contained, were declared not to be incorporated with that Order, shall, in so far as respects rates, and the collection and recovery of rates, be repealed, but the said sections 16, 17, 18, and 19 shall not be incorporated with the Order of 1862, or this Order. *Oban.* Order of 1862.

8. The limits of this Order shall be the limits or area shown in pink on the Admiralty plan or chart of Oban Bay, surveyed by Captain Robinson and Lieutenant Creyke, of the Royal Navy, and published at the Hydrographic Office of the Admiralty on 1st October 1856, of which copies, having the said limits or area coloured as aforesaid, were, on or before 30th November 1863, deposited (with the other documents deposited under the Act thirdly herein-before mentioned on or before the last-mentioned date) at the office of the Sheriff Clerk of Argyllshire, at Inverary, at the Custom House at Greenock, and in the office of the Board of Trade. Limits of harbour.

9. The undertakers may, from and after the passing of an Act confirming this Order, at the said existing pier and works, and from and after the date when the breastwork and sea wall and relative works authorized by this Order are completed, and a certificate of such completion is obtained in terms of The Harbours, Docks, and Piers Clauses Act, 1847, then also at such breastwork and sea wall and works, demand and receive in respect of the vessels, passengers, goods, matters, and things described in the Schedule hereunto annexed embarked, landed, loaded, or unloaded at or using the said pier, breastwork, sea-wall or works, any sum not exceeding the rates in the said Schedule specified. Rates.

10. Officers of Customs being in the execution of their duty shall at all times have free ingress, passage, and egress on, into, along, through, and out of the pier and harbour by land, and with their vessels and otherwise, without payment. Customs officers exempt from rates.

11. The undertakers may borrow on mortgage or bond at interest such sums of money as may be required for the purposes of the works authorized by this Order, not exceeding in the whole the sum of two thousand five hundred pounds, and they shall regularly keep down the interest accruing on the money so borrowed, and shall not allow such interest to accumulate, and shall repay the money borrowed within fifty years from the time of borrowing. Borrowing power.

12. The rates received under this Order shall be applicable to the purposes and in the order following, and not otherwise: Application of receipts.

(1.) In paying the expenses of the maintenance, management,

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ment, and regulation of the existing pier and harbour, and new works authorized by this Order.

(2.) In paying the interest on any money borrowed under this Order, and any sum payable on account of the principal thereof.

(3.) To the proper use of the undertakers.

Meters and weighers.

13. The undertakers shall have the appointment of meters and weighers on and within the pier and harbour, breastwork, sea wall, and works.

Steam engines, diving bells, lighters, &c.

14. The undertakers may provide such steam engines, steam vessels, piling engines, diving bells, ballast lighters, rubbish lighters, and other machinery and vessels as they think necessary for effectuating any of the purposes of this Order, and may demand and receive such sums for the use of the same as they think reasonable.

Pilotage.

15. The undertakers shall be a pilotage authority and a local authority within the meaning of The Merchant Shipping Act, 1854, and the other Acts construed with and as part of the same, with all the powers by these Acts conferred on pilotage authorities and local authorities.

Not to affect powers under the trust deed.

16. Nothing herein contained shall affect or prejudice the rights and powers of the undertakers under the trust disposition and settlement before mentioned of the said deceased Marquess of Breadalbane as to the management or disposal of the lands, pier, and harbours, and other properties at Oban which belonged to the said deceased Marquess, with their appurtenances, now vested or that may be vested in them as his trustees.

Short title.

17. This Order may be cited as The Oban Pier and Harbour Order, 1864.

Board of Trade, Whitehall,
Dated this 12th day of April 1864.

(Signed) James Booth,
Secretary.

SCHEDULE to which this Order refers.

	s.	*d.*
Ale, beer, or porter, per hogshead	0	6
Animals.—See Horse, &c.		
Asphalte, per ton	0	6
Bark in bulk or bag, per ton	0	10
Ballast, per ton	0	1
Beef, fresh or salt, per cwt.	0	2
Biscuit and bread, per cwt.	0	2

Bones,

	s.	d.	
Bones, per ton	0	6	*Oban.*
Books and stationery, per cwt.	0	4	
Bone dust, per ton	0	8	
Bottles, per gross	0	2	
Boxes, full, per barrel bulk	0	4	
Bricks, per 1,000	0	8	
Butter, per cwt.	0	2	
Carriages with four wheels, each	0	8	
Carriages with two wheels, each	0	6	
Cattle, each	0	2	
Casks, empty, not being returned, each	0	3	
Cement, per barrel	0	2	
Cheese, per cwt.	0	4	
Chimney cans, each	0	2	
Clay, per ton	0	6	
Cloth, haberdashery, per barrel bulk	0	2	
Clover seed, per quarter	0	2	
Coach or cart wheels, per pair	0	2	
Coals, per ton	0	3	
Copper and brass, per ton	1	4	
Corks, per barrel bulk	0	2	
Corn, per quarter	0	2	
Cordage, per cwt.	0	3	
Crystal and crockery, per barrel bulk	0	2	
Dogs, each	0	2	
Drugs, per barrel bulk	0	2	
Dissolved bones, per ton	0	8	
Earthenware, per barrel bulk	0	2	
Eggs, per barrel bulk	0	2	
Felt, per cwt.	0	1	
Fish, fresh, salted, or dried, per cwt.	0	1	
Flax, per cwt.	0	1	
Flour, per sack or barrel	0	2	
Fowls and ducks, live, per dozen	0	2	
Freestone, per ton	0	2	
Fruit, per cwt.	0	1	
Gates, each	0	2	
Geese and turkeys, live, each	0	1	
Glass, per barrel bulk	0	3	
Grain, per quarter	0	2	
Grates or stoves, each	0	2	
Gravel, per ton	0	1	
Grease and greaves, per cwt.	0	1	
Groceries, per barrel	0	3	
Guano and artificial manures, per ton	0	8	

Gunpowder,

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	s.	d.
Gunpoder, per cwt.	0	1
Hardware, per barrel bulk	0	3
Hares and rabbits, per dozen or any less quantity	0	2
Hay, per ton	0	6
Hemp and cotton, unwrought, per ton	1	4
Hides, each	0	0½
Household furniture, per barrel bulk	0	2
Hurdles, each	0	1
Herrings, cured, per barrel	0	3
Ditto, fresh, per cran	0	1
Horses, asses, and mules, each	0	2
Husbandry utensils, per ton	1	4
Iron, all kinds, per ton	1	0
Kelp, per ton	0	8
Lambs, per score	0	3
Lathwood, per bundle	0	0½
Lead of all kinds, zinc, per ton	1	4
Leather, per cwt.	0	1
Lime, per barrel	0	1
Limestone, per ton	0	3
Machinery, per ton	1	4
Malt, per quarter	0	4
Manure, per ton	0	2
Masts and spars, each	1	6
Meal, per bag of 280 lbs. or barrel	0	2
Meat, per cwt.	0	2
Milk, per three large pitchers	0	0½
Millstones, each	0	6
Oakum, per cwt.	0	1
Oil, per ten gallons	0	4
Oil cake, per ton	0	8
Oysters, per bushel	0	2
Passengers' luggage not exceeding 4 barrel bulk	free	
Ditto ditto all above ditto, per barrel bulk	0	3
Pease or beans, per quarter	0	2
Peats, per ton	0	4
Pigs, each	0	0½
Ploughs.—See husbandry utensils.		
Potatoes, per ton	0	6
Rape cakes, per ton	0	8
Rags, per cwt.	0	1
Ropes, per cwt.	0	3
Ryegrass seeds, per quarter	0	2
Salt, per cwt.	0	0½

Sand,

	s.	d.
Sand, per ton	0	3
Seaware or wreck, per ton	0	1
Seeds, not enumerated, per cwt.	0	1
Sheep, per score	0	6
Skins, dried, per dozen	0	4
Slates, under Size, per 1,000	0	6
Do., sizeable, per 1,000	0	8
Do., over Size, per 1,000	1	0
Sodawater or lemonade, per gross	0	6
Spirits, per 56 gallons	0	8
Spokes and naves for wheels, per gang	0	2
Steel, per ton	1	4
Stones, per ton of 16 cubic feet	0	2
Stones, pavement, per ton of 16 cubic feet	0	4
Straw, per ton	0	4
Stucco, per barrel	0	4
Sugar, per hogshead	0	6
Tallow, per ton	1	4
Tar, pitch, or rosin, per barrel	0	2
Tea, per cwt.	0	6
Tiles or pipes, per 1,000	0	8
Turpentine, per hogshead	0	8
Timber, unwrought, of all kinds, per load of 50 cubic feet	0	8
Tin of all kinds, per ton	1	4
Turnips, per ton	0	6
Tobacco, per ton	2	6
Vitriol, per carboy	0	2
Whisky, per 56 gallons	0	8
Wine in cask, per hogshead	1	0
Do. in bottle, per dozen	0	1
Wool, per stone	0	1
Yarn, per cwt.	0	1
All other unenumerated articles to pay at landing or shipping—		
If by measurement, per barrel bulk	0	2
If by weight, per ton	1	4

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Articles which can be measured to pay by barrel bulk; all others by weight.

In charging the rates on goods the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified, a proportion of the respective rate shall be charged.

Five cubic feet, not exceeding two and a half hundredweight, to be rated as a barrel bulk; but when the weight of five

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cubic feet is greater than two and a half hundredweight, then two and a half hundredweight to be rated as a barrel bulk.

Rates on Vessels using the Pier, Sea Wall, or Breastwork.

Every vessel, other than open or undecked vessels, using the pier, sea wall, or breastwork, for discharging or shipping goods within the harbour, shall pay 2*d.* per ton burden.

Every undecked vessel, 1*d.* each.

Bonâ fide pleasure boats landing or embarking passengers at the boat slip on the breastwork, free.

Rates on Passengers.

For every person, excepting as under mentioned, landing from or embarking in any vessel at the pier, sea wall, or breastwork, 2*d.*

For every reaper and every person in charge of goods paying rates, ½*d.*

Rates for the Use of Sheds, Cranes, and Weighing Machines.

Sheds.

For each ton of goods of eight barrels bulk, or for each ton of goods of twenty hundredweights, which shall remain in any shed or on the pier, sea wall, or breastwork for a longer time than 48 hours, the sum of 4*d.*; and the sum of 2*d.* per ton for each day during which such goods shall remain after the first 48 hours.

Cranes.

	s.	*d.*
All goods or packages not exceeding one ton .	0	3
Exceeding one ton and not exceeding two tons .	0	4
Exceeding two tons and not exceeding three tons .	0	6
Exceeding three tons and not exceeding four tons .	0	8
Exceeding four tons and not exceeding five tons .	0	10
Exceeding five tons and not exceeding six tons .	1	0
Exceeding six tons and not exceeding seven tons .	1	2
Exceeding seven tons and not exceeding eight tons .	1	4
Exceeding eight tons and not exceeding nine tons .	1	8
Exceeding nine tons and not exceeding ten tons .	2	0
Exceeding ten tons	3	0

Weighing Machines.

For goods weighed, 1*d.* for each ton or part of a ton.

CAP. XCIV.

An Act to remove Disabilities affecting the Bishops and Clergy of the Protestant Episcopal Church in Scotland.—[29*th* July 1864.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of His Majesty King *George* the Third, intituled *An Act for granting Relief to Pastors, Ministers, and Lay Persons of the Episcopal Communion in* Scotland: And whereas by the Ninth Section of the said Act it is provided and declared that "no Person exercising the Func- "tion or assuming the Office and Character of a Pastor or "Minister of any Order in the Episcopal Communion in *Scot- "land* as aforesaid shall be capable of taking any Benefice, "Curacy, or other Spiritual Promotion within that Part of "*Great Britain* called *England*, the Dominion of *Wales*, or "the Town of *Berwick-upon-Tweed*, or of officiating in any "Church or Chapel within the same, where the Liturgy of the "Church of *England* as now by Law established is used, un- "less he shall have been lawfully ordained by some Bishop "of the Church of *England* or of *Ireland*:" And whereas an Act was passed in the Third and Fourth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to make certain Provisions and Regulations in respect to the Exercise within* England *and* Ireland *of their Office by the Bishops and Clergy of the Protestant Episcopal Church in* Scotland; *and also to extend such Provisions and Regulations to the Bishops and Clergy of the Protestant Episcopal Church in the United States of* America; *and also to make further Regulations in respect to Bishops and Clergy other than those of the United Church of* England *and* Ireland, by which Act the Provisions in the said Ninth Section of the said first-recited Act were altered, extended, and amended: And whereas it is expedient that the Disabilities affecting the Bishops and Clergy of the said Protestant Episcopal Church in *Scotland* imposed by the said recited Acts should be removed, and for that Purpose that the said recited Acts should be in part repealed: And whereas by an Act passed in the Fifty-ninth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to permit the Archbishops of* Canterbury *and* York *and the Bishop of* London *for the Time being to admit Persons into Holy Orders specially for the Colonies*, it is enacted that "no

32 G. 3. c. 63.

3 & 4 Vict. c. 33.

59 G. 3. c. 60.

" no Person who shall have been admitted into Holy Orders " by the Bishops of *Quebec, Nova Scotia,* or *Calcutta,* or by " any other Bishop or Archbishop than those of *England* or " *Ireland,* shall be capable of officiating in any Church or " Chapel of *England* or *Ireland,* without special Permission " from the Archbishop of the Province in which he proposes to " officiate, or of having, holding, or enjoying, or of being ad- " mitted to, any Parsonage or other Ecclesiastical Preferment " in *England* or *Ireland,* or of acting as Curate therein, " without the Consent and Approbation of the Archbishop of " the Province, and also of the Bishop of the Diocese in which " any such Parsonage or Ecclesiastical Preferment or Curacy " may be situated:" And whereas Doubts may arise after the passing of this Act whether the Provisions of the said last-recited Act would apply to Persons admitted into Holy Orders by Bishops of the Protestant Episcopal Church in *Scotland,* and it is expedient that such Doubts should be removed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Sec. 9. of 32 G. 3. c. 63. repealed.

I. The said Ninth Section of the said first-recited Act is hereby repealed.

Definition of "Protestant Episcopal Church in Scotland."

II. The Words "Protestant Episcopal Church in *Scotland*" shall, for the Purposes of this Act, mean the Episcopal Communion in *Scotland* as mentioned in the said first-recited Act.

3 & 4 Vict. c. 33. in part repealed.

III. The said second-recited Act, so far only as it relates to the Protestant Episcopal Church in *Scotland,* or the Bishops and Clergy thereof, is hereby repealed.

As to Application of Provisions of 59 G. 3. c. 60.

IV. The Provisions and Enactments of the said last-recited Act shall not be or be held to be applicable to any Person admitted into Holy Orders by a Bishop of the Protestant Episcopal Church in *Scotland.*

Persons admitted into Holy Orders by Bishops in Scotland not to be admitted to Benefices, &c. in England or

V. No Person admitted into Holy Orders by any Bishop of the Protestant Episcopal Church in *Scotland* shall be entitled to be admitted or instituted to any Benefice or other Ecclesiastical Preferment in *England* or *Ireland,* without the Consent and Approbation of the Bishop of the Diocese in which such Benefice or other Ecclesiastical Preferment may be situated; and any such Bishop shall be entitled to refuse such Consent and Approbation without assigning Reason for such Refusal, any Law or Practice to the contrary notwithstanding; and every such Person seeking to be admitted or instituted to such Benefice or other Ecclesiastical Preferment, or to be licensed to any Curacy, shall, before being admitted, instituted,

or

or licensed, make and subscribe before such Bishop every such Declaration and Subscription as he would by Law have been required to make and subscribe at his Ordination if he had been ordained by a Bishop of the United Church of *England* or *Ireland:* Provided always, that the Provisions of this Section shall not apply to any such Person who shall hold or shall have held any Benefice or Ecclesiastical Preferment in *England* or *Ireland.* Ireland without Consent of Bishop of the Diocese.

VI. Any Person admitted into Holy Orders by any Bishop of the Protestant Episcopal Church in *Scotland,* and who does not hold or who has not held any Benefice or Ecclesiastical Preferment in *England* or *Ireland,* who shall knowingly officiate on more than One Day within Three Months in any Church or Chapel in any Diocese in *England* or *Ireland,* without notifying the same to the Bishop of the Diocese in which such Church or Chapel is situate, or who shall officiate contrary to any Injunction of the Bishop of the Diocese under his Hand and Seal, shall for every such Offence forfeit and pay the Sum of Ten Pounds to the Governor of Queen *Anne's* Bounty, to be recovered by Action of Debt, brought in the Name of the Treasurer of the said Bounty, in any of Her Majesty's Courts of Record at *Westminster,* or in the Court of Session in *Scotland* at the Suit of the Public Prosecutor, or in *Ireland* in any Court of Common Law in the Name of the Ecclesiastical Commissioners. Penalty on such Persons officiating in certain Cases without Consent of Bishop.

CAP. XCV.

An Act to amend the Act Ninth and Tenth Victoria, *Chapter Ninety-three, for compensating the Families of Persons killed by Accident.*—[29*th* July 1864.] (England *and* Ireland.)

CAP. XCVI.

An Act to enable certain Royal and Parliamentary Burghs in Scotland *to avail themselves of the Provisions of the Acts Twenty-second and Twenty-third* Victoria, *Chapter Sixty-six, and Twenty-third and Twenty-*

Twenty-fourth Victoria, *Chapter One hundred and forty-six, for regulating the Sale of Gas.*—[29*th* July 1864.]

WHEREAS by an Act passed in the Twenty-second and Twenty-third Years of the Reign of Her present Majesty, intituled *An Act for regulating Measures used in Sales of Gas,* Royal Burghs in *Scotland* not being County Towns were enabled to avail themselves of the Provisions of the said Act, and it was compulsory on Counties and Royal Burghs being County Towns to bring the said Act into operation: And whereas by another Act passed in the Twenty-third and Twenty-fourth Years of Her present Majesty, intituled *An Act to amend the Act for regulating Measures used in Sales of Gas,* it was rendered optional in Counties to avail themselves of the Provisions of the said first-mentioned Act: And whereas the Limits of certain Royal Burghs forming Portions of Parliamentary Burghs are not co-extensive with the Parliamentary Boundaries, and in consequence thereof the Provisions of the said first-mentioned Act, if adopted by these Royal Burghs, would not apply to the whole District within the Parliamentary Boundaries; and it is expedient that Powers should be conferred to render the Provisions of the said Acts applicable within the said Parliamentary Boundaries: Therefore be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

22 & 23 Vict. c. 66.

23 & 24 Vict. c. 146.

Magistrates of certain Burghs may apply to their District Provisions of recited Acts.

I. The Magistrates of any Royal Burgh whose ordinary Jurisdiction has been extended beyond the Bounds thereof by Act or Acts of Parliament, or of any Parliamentary Burgh having a Population of Twenty thousand, in which Burgh the said Acts have not been brought into operation, may, at any Meeting to be called for the Purpose, resolve that the Provisions of the said recited Acts shall be applicable to the whole District subject to their Jurisdiction on and after a certain Date to be fixed by them, and on the said Resolution being come to the Magistrates shall publish the same and make Proclamation thereof at least Three Months before the said Date so fixed, and thereafter the said recited Acts shall apply to and may be enforced by the said Magistrates within the whole District subject to the Jurisdiction of the said Magistrates: Provided always, that where in the first-recited Act anything is required to be done within a specified Time after the

the passing thereof, such Time shall for the Purposes of this Act be calculated from the Date fixed in the said Resolution for the Provisions of the said recited Acts coming into operation with respect to such District.

CAP. XCVII.

An Act to make further Provision for the Registration of Burials in England.—[29*th* July 1864.]

CAP. XCVIII.

An Act for extending the Provisions of "The Bleaching and Dyeing Works Act, 1860."—[29*th* July 1864.]

WHEREAS by the Act of the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter Seventy-eight, and herein-after referred to as "The Bleaching and Dyeing Works Act, 1860," the Employment of Women, Young Persons, and Children in the Process of finishing any Yarn or Cloth of Cotton, Wool, Silk, or Flax, or any of them, or any Mixture of them, or any Yarn or Cloth of any other Material or Materials, is placed under the Regulations of the Acts therein recited, and generally known and herein-after referred to as the Factory Acts, in Cases where the said Process is carried on in Bleaching and Dyeing Works in which Steam, Water, or other mechanical Power is used: And whereas by the Act of the Session of the Twenty-sixth and Twenty-seventh Years of the same Reign, Chapter Thirty-eight, the Provisions of the said Bleaching and Dyeing Works Act, 1860, are extended to the Employment of Women, Young Persons, and Children in Calendering and Finishing Works in which Steam, Water, or other mechanical Power is used: And whereas the Process of Finishing is carried on in other Works besides those specified in the said Acts, and as so carried on is attended with the same Evils to the Health of the Women, Young Persons, and Children employed as in the above-mentioned Works: And whereas it is expedient that the Process of Finishing, wheresoever carried on, should be regulated in the same Manner as it

23 & 24 Vict. c. 78.

it is regulated in the above-mentioned Works, and that the Provisions of the Factory Acts should also be extended to the Employment of Women, Young Persons, and Children in the Processes of Hooking or Lapping, or Making-up and Packing: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Extension of Bleaching and Dyeing Works Act.

I. After the passing of this Act, all such Provisions of the said Bleaching and Dyeing Works Act, 1860, as are now in force, shall apply to Women, Young Persons, and Children employed for Hire in any Building or Premises whatever in the Processes of Finishing, Hooking, or Lapping, or of Making-up and Packing, any Yarn or Cloth of Cotton, Wool, Silk, or Flax, or any of them, or any Mixture of them, or any Yarn or Cloth of any other Material or Materials, or any of such Processes; and in the Construction of the said Bleaching Act of 1860, and the Acts therein recited, "Bleaching Works" and "Dyeing Works" and "Factory" shall include any Buildings or Premises in which the said Processes or any of them are carried on: Provided always, that this Act shall not apply to any Building or Premises in which all the Persons employed are Males over the Age of Fourteen Years; provided also, that in Buildings and Premises within this Act the Owner or Owners may from Time to Time, by Notice to be given in Writing to the Inspector, elect what shall be the Working Hours in such Buildings and Premises, so as that the total Number of Hours during which Females, Young Persons, and Children may be lawfully employed in any One Day or Week, according to the Provisions of the said recited Act, be not exceeded, and so as the Working Hours elected be between Six in the Morning and Six in the Evening, or Seven in the Morning and Seven in the Evening, or Eight in the Morning and Eight in the Evening.

Short Title.

II. This Act may be cited for all Purposes as the "Bleaching and Dyeing Works Act Extension Act, 1864."

CAP. XCIX.

An Act to amend the Procedure of the Civil Bill Courts in Ireland.—[29*th* July 1864.]

CAP. C.

An Act to confirm certain Proceedings of the Justices for the County of Sussex.—[29*th* July 1864.]

CAP. CI.

An Act to amend the Act for the better Management of Highways in England.—[29*th* July 1864.]

CAP. CII.

An Act for amending The Harwich *Harbour Act,* 1863.—[29*th* July 1864.]

CAP. CIII.

An Act to authorize the Acquisition of Lands by the Admiralty with a view to the extension of Portsmouth *Dockyard, and for other Purposes connected therewith.*—[29*th* July 1864.]

CAP. CIV.

An Act to extend the Powers of the Public Works (Manufacturing Districts) Act, 1863.—[29*th* July 1864.]

CAP. CV.

An Act to explain the Statutes of Her present Majesty for amending the Laws relating to the Removal of the Poor.—[29*th* July 1864.] (England.)

CAP. CVI.

An Act to authorize the Lords Commissioners of the Treasury to make Provision in regard to the Salaries of certain Sheriffs Substitute in Scotland.—[29*th* July 1864.]

16 & 17 Vict. c. 80.

WHEREAS by an Act passed in the Sixteenth and Seventeenth Years of the Reign of Her Majesty, Chapter Eighty, it was provided that it should be lawful to grant to any salaried Sheriff Substitute then in Office, or his Successor, or to any Sheriff Substitute thereafter to be appointed under the said Act, such Salary as to the Commissioners of Her Majesty's Treasury might seem meet, the same not in any Case exceeding One thousand Pounds by the Year and not less than Five hundred Pounds by the Year: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provision for Salaries of Sheriffs Substitute in Counties of Midlothian and Lanark.

I. It shall be lawful for the Lords Commissioners of Her Majesty's Treasury, if they shall think fit, to increase the Salaries of Two of the Sheriffs Substitute acting in the County of *Midlothian*, and Two of the Sheriffs Substitute acting in the County of *Lanark*, to any Amount not exceeding Fourteen hundred Pounds by the Year, anything in the said Act notwithstanding.

Provision for Salary of Sheriff in Chancery.

II. That it shall be lawful for the Lords Commissioners of Her Majesty's Treasury to provide for the Salary of the Sheriff in Chancery in *Scotland* in like Manner as they are empowered to make Provision for the Salaries of the other Sheriffs in *Scotland*, anything in any Act of Parliament notwithstanding.

CAP. CVII.

An Act to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) *Act,* 1863."—[29*th* July 1864.]

CAP. CVIII.

CAP. CVIII.

An Act to amend "The West Indian *Incumbered Estates Acts."*—[29*th* July 1864.]

CAP. CIX.

An Act for providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards, and the Ports of Dover *and* Portland, *and of creating a Central Arsenal.*—[29*th* July 1864.]

CAP. CX.

An Act for the Amendment of the Law relating to the Mitigation of Penalties.—[29*th* July 1864.]

WHEREAS by various Public Acts of Parliament Penalties are imposed in respect of certain Offences, and it is provided that such Penalties are not to be reduced below the Limits in such Acts specified: And whereas the Provisions of the said Public Acts are contravened by special Enactments introduced into certain Local Acts, empowering the Justices or Court having Cognizance of Offences in certain Localities to mitigate all Penalties in respect of such Offences: And whereas it is expedient to prevent such Contravention as aforesaid of the general Law: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Justices prohibited from mitigating Penalties under general Powers of Local Act.

I. Where any Public Act of Parliament provides that in respect of any Offence therein mentioned a Penalty is to be imposed of not less than a particular Sum of Money, or of not less than a certain Term of Imprisonment or other Punishment therein specified, it shall not be lawful for the Justices or Court having Cognizance of such Offence to mitigate such Penalty

Penalty below the Limit specified in that Act of Parliament, in pursuance of any Power of mitigating Penalties conferred on such Justices or Court by any Local or Private Act of Parliament.

Short Title.

II. This Act may be cited for all Purposes as "The Limited Penalties Act, 1864."

CAP. CXI.

An Act to transfer certain Houses in and near Cranbourne Street *in the City of* Westminster, *from the Commissioners of Her Majesty's Works to Her Majesty, for the Considerations therein mentioned.*—[29*th* July 1864.]

CAP. CXII.

An Act to amend the Law relating to future Judgments, Statutes, and Recognizances.—[29*th* July 1864.]

WHEREAS it is desirable to assimilate the Law affecting Freehold, Copyhold, and Leasehold Estates to that affecting purely Personal Estates in respect of future Judgments, Statutes, and Recognizances: Therefore be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Future Judgments, &c. not to affect Land until Land delivered in Execution.

I. No Judgment, Statute, or Recognizance to be entered up after the passing of this Act shall affect any Land (of whatever Tenure) until such Land shall have been actually delivered in Execution by virtue of a Writ of Elegit or other lawful Authority, in pursuance of such Judgment, Statute, or Recognizance.

Interpretation of Terms.

II. In the Construction of this Act the Term "Judgment" shall be taken to include registered Decrees, Orders of Courts of Equity, and Bankruptcy, and other Orders having the Operation of a Judgment; and the Term "Land" shall be taken to include all Hereditaments, corporeal or incorporeal, or

or any Interest therein; and the Term "Debtor" shall be taken to include Husbands of married Women, Assignees of Bankrupts, Committees of Lunatics, and the Heirs or Devisees of deceased Persons.

Writs of Execution to be registered in manner prescribed by 23 & 24 Vict. c. 38.

III. Every Writ or other Process of Execution of any such Judgment, Statute, or Recognizance, by virtue whereof any Land shall have been actually delivered in Execution, shall be registered in the Manner provided by an Act passed in the Session of the Twenty-third and Twenty-fourth Years of Her present Majesty, intituled *An Act to further amend the Law of Property*, but in the Name of the Debtor against whom such Writ or Process is issued, instead of, as under the said Act, in the Name of the Creditor; and no other or prior Registration of such Judgment, Statute, or Recognizance shall be or be deemed necessary for any Purpose; and no Reference to any such prior Registration shall be required to be made in or by the Memorandum or Minute of such Writ or other Process of Execution which shall be left with the Senior Master of the Court of Common Pleas for the Purpose of such Registry.

Creditor to whom Land delivered in Execution entitled to obtain Summary Order from Court of Chancery for Sale.

IV. Every Creditor to whom any Land of his Debtor shall have been actually delivered in Execution by virtue of any such Judgment, Statute, or Recognizance, and whose Writ or other Process of Execution shall be duly registered, shall be entitled forthwith, or at any Time afterwards while the Registry of such Writ or Process shall continue in force, to obtain from the Court of Chancery, upon Petition in a summary Way, an Order for the Sale of his Debtor's Interest in such Land, and every such Petition may be served upon the Debtor only; and thereupon the Court shall direct all such Inquiries to be made as to the Nature and Particulars of the Debtor's Interest in such Land, and his Title thereto, as shall appear to be necessary or proper; and in making such Inquiries, and generally in carrying into effect such Order for Sale, the Practice of the said Court with respect to Sales of Real Estates of deceased Persons for the Payment of Debts shall be adopted and followed, so far as the same may be found conveniently applicable.

Where there are other Creditors, Notice of Sale to be served upon them.

V. If it shall appear on making such Inquiries that any other Debt due on any Judgment, Statute, or Recognizance is a Charge on such Land, the Creditor entitled to the Benefit of such Charge (whether prior or subsequent to the Charge of the Petitioner) shall be served with Notice of the said Order for Sale, and shall after such Service be bound thereby, and shall be at liberty to attend the Proceedings under the same, and to have the Benefit thereof; and the Proceeds of such Sale

Sale shall be distributed among the Persons who may be found entitled thereto, according to their respective Priorities.

Parties claiming Interest through Debtor bound by Order for Sale.

VI. Every Person claiming any Interest in such Land through or under the Debtor, by any Means subsequent to the Delivery of such Land in Execution as aforesaid, shall be bound by every such Order for Sale, and by all the Proceedings consequent thereon.

Extent of Act.

VII. This Act shall not extend to *Ireland*.

CAP. CXIII.

An Act to amend the Laws relating to the Conservancy of the River Thames; *and for other Purposes relating thereto.*—[29*th* July 1864.]

CAP. CXIV.

The Improvement of Land Act, 1864.—[29*th* July 1864.]

12 & 13 Vict. c. 100.

WHEREAS an Act was passed in the Twelfth and Thirteenth Years of Her present Majesty, intituled *An Act to promote the Advance of private Money for Drainage of Lands in* Great Britain *and* Ireland, and several Companies have been incorporated by Act of Parliament, with special Powers for promoting the Improvement of Land in *Great Britain* and *Ireland* by Drainage and otherwise; and it is desirable to amend and consolidate the Law relating to the Improvement of Land by Owners of limited Interests, and to enable such Owners to charge their Lands with Money subscribed for the Construction of Railways and navigable Canals which will permanently increase the Value of such Lands: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Act 12 & 13 Vict. c. 100. repealed.

I. The Act first above mentioned, being "The Private Money Drainage Act, 1849," is hereby repealed, except so far as relates to any Proceedings on Applications pending under the said Act at the Date of the passing hereof, it being the Intention hereof that all such Proceedings shall be worked out under

under the said Act, and that all Charges to be made in consequence of any such Proceedings shall be made and operate under the said Act, which shall apply thereto as if this Act had never been passed: Provided also that nothing herein contained shall affect any Charge made under the said Act before the passing hereof, or any Right or Obligation existing or which may arise in respect of any such Charge.

Commissioners, Landowners, &c.

And with regard to the Commissioners for the Execution of this Act, and other general Matters, be it enacted as follows:

Interpretation of "the Commissioners." 1 & 2 W. 4. c. 33. 5 & 6 Vict. c. 89.

II. By "the Commissioners" shall herein be meant, as regards Lands in *Great Britain*, the Inclosure Commissioners for *England* and *Wales*, and as regards Lands in *Ireland*, the Commissioners of public Works in *Ireland* under an Act of the First and Second Years of His late Majesty King *William* the Fourth, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, and an Act of the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to promote Drainage of Lands, and Improvement of Navigation and Water Power in connection with Drainage, in* Ireland, and the several Acts amending the same respectively.

Provisions of 9 & 10 Vict. c. 101., &c., to extend and be applicable to Proceedings of Commissioners.

III. All the Provisions of the Act of the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to authorize the Advance of Public Money to a limited Amount to promote the Improvement of Land in* Great Britain *and* Ireland *by Works of Drainage*, and of any and every other Act for the Time being in force relating to any of the aforesaid Commissioners, so far as the same may concern or be auxiliary to the Proceedings or Inquiries of the Commissioners under the Authority of such Acts or any of them, or the Authentication of Instruments, shall, except as in this Act otherwise provided, extend and be applicable to their Proceedings and Inquiries, and the Authentication of Instruments, under this Act.

Assistant Commissioners may take Declarations and examine Witnesses.

IV. Every Assistant Commissioner or Inspector acting in any Matter, Inquiry, or Proceeding by the Authority and in the Execution of this Act may receive Declarations and Statements, and examine upon Declaration all such Persons as may voluntarily attend before him in such Matter, Inquiry, or Proceeding.

Punishment of Persons giving false Evidence.

V. If any Person shall wilfully give false Evidence in any Matter, Inquiry, or Proceeding under the Provisions of this Act, or shall make or subscribe a false Statement or Declaration for the Purposes of this Act, such Person shall, in *England* or *Ireland*, be deemed guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence, and shall be punished accordingly.

VI. Any

As to Service of Notices on Commissioners.

VI. Any Notice requiring to be served upon the Commissioners may be served by the same being left at or transmitted through the Post, directed to their Office in *London*.

As to the Services of Notices on other Persons.

VII. In all Cases in which it shall be necessary under the Provisions of this Act to serve any Notice upon any other Person, it shall be sufficient to send such Notice in a registered Post Letter, directed to such Person at his then or last known Place of Residence or of Business, unless the Letter containing such Notice shall be returned from the Post Office as undelivered; and if such Person shall not have any Place of Residence or of Business within *Great Britain* or *Ireland*, or if the Place of Business or of Residence of such Person cannot with due Diligence be ascertained, then such Notice may be served upon such other Person as his Representative, or be given in such other Manner as the Commissioners shall in such Case direct or approve.

Interpretation of "Landowner."

VIII. The Word "Landowner" shall mean herein, as to Lands in *England*, the Person who shall be in the actual Possession or Receipt of the Rents or Profits of any Land, whether of Freehold, Copyhold, Customary, or other Tenure, except where such Person shall be a Tenant for Life or Lives holding under a Lease for Life or Lives not renewable, or shall be a Tenant for Years holding under a Lease or an Agreement for a Lease for a Term of Years not renewable, whereof less than Twenty-five Years shall be unexpired at the Time of making any Application to the Commissioners, without regard to the real Amount of the Interest of any Person so excepted; and in the Case where the Person in the actual Possession or Receipt of the Rents or Profits of any Land shall fall within the above Exceptions, then the Person who for the Time being shall be in the actual Receipt of the Rent payable by the Person so excepted, unless he shall also fall within the above Exceptions, shall, jointly with the Person who shall be liable to the Payment thereof, be deemed for the Purposes of this Act to be the Owner of such Lands; and as to Lands in *Scotland*, the Word "Landowner" shall denote and include every Fiar, Liferenter, or Heir of Entail who shall be in the actual Possession of the Land, or in receipt of the Rents payable on the Tacks, Leases, or Tenancies of the Tenants in the actual Possession thereof; and as to Lands in *Ireland*, the Word "Landowner" shall mean such Person as under the Act passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to abolish Compositions for Tithes in* Ireland, *and to substitute Rentcharges in lieu thereof*, shall have the first Estate of Inheritance, or other Estate or Interest equivalent to a perpetual Estate or Interest therein, and also any Tenant in Dower or by the

1 & 2 Vict. c. 109.

the Curtesy, or any Person having under the Limitations of any Settlement by Deed, Will, Act of Parliament, or otherwise any Estate for Life, or other particular Estate thereby created or limited out of or in any Estate of Inheritance, or by, out of, or in any such Estate or Interest as by or under the last-mentioned Act is to be deemed equivalent to a perpetual Estate or Interest; and as to Lands in any Part of the United Kingdom, the Word "Landowner" shall include a Corporation, and also such Persons as are empowered by the Twenty-third Section hereof.

Interpretation of "Improvement of Land."

IX. By "the Improvement of Land" shall herein be meant all or any of the following Matters:

1. The Drainage of Land, and the straitening, widening, deepening, or otherwise improving the Drains, Streams, and Watercourses of any Land:
2. The Irrigation and warping of Land:
3. The embanking and weiring of Land from the Sea or Tidal Waters, or from Lakes, Rivers, or Streams, in a permanent Manner:
4. The inclosing of Lands, and the straitening of Fences and Redivision of Fields:
5. The Reclamation of Land, including all Operations necessary thereto:
6. The making of permanent Farm Roads and permanent Tramways and Railways and navigable Canals for all Purposes connected with the Improvement of the Estate:
7. The clearing of Land:
8. The Erection of Labourers Cottages, Farmhouses, and other Buildings required for Farm Purposes, and the Improvement of and Addition to Labourers Cottages, Farmhouses, and other Buildings for Farm Purposes already erected, so as such Improvements or Additions be of a permanent Nature:
9. Planting for Shelter:
10. The constructing or erecting of any Engine-houses, Waterwheels, Saw and other Mills, Kilns, Shafts, Wells, Ponds, Tanks, Reservoirs, Dams, Leads, Pipes, Conduits, Watercourses, Bridges, Weirs, Sluices, Floodgates, or Hatches, which will increase the Value of any Lands for agricultural Purposes:
11. The Construction or Improvement of Jetties or Landing Places on the Sea Coast, or on the Banks of navigable Rivers or Lakes, for the Transport of Cattle, Sheep, and other agricultural Stock and Produce, and of Lime, Manure, and other Articles and Things for agricultural Purposes; provided that the Commissioners shall be satisfied that such Works will add to the permanent Value

Value of the Lands to be charged to an Extent equal to the Expense thereof:

12. The Execution of all such Works as in the Judgment of the Commissioners may be necessary for carrying into effect any Matter herein-before mentioned, or for deriving the full Benefit thereof.

Interpretation of "Person."

X. The Word "Person" shall in this Act include Companies and all other Corporations.

Proceedings preliminary to Sanction of Improvements.

And with regard to the Proceedings preliminary to the Sanction of any Improvements, be it enacted as follows:

Application to Commissioners to sanction Improvements.

XI. When any Landowner shall be desirous of borrowing or advancing Money under this Act for the Improvement of his Land, he shall make an Application to the Commissioners to sanction the proposed Improvements in such Manner and Form and stating such Particulars as the Commissioners shall from Time to Time direct; and until the proposed Improvements shall have been sanctioned by the Commissioners in manner herein-after mentioned, the Application may be withdrawn or altered, or consolidated with any other Application, at the Pleasure of the Applicant, but without Prejudice to his Liability as herein-after mentioned for the Expenses incurred by the Commissioners or their Officers in consequence of his Application.

Joint application by several Landowners.

XII. Any Two or more Landowners may, with the Consent of the Commissioners, join in an Application to them to sanction the Improvement of the Lands of such Landowners respectively, but the Sum to be charged in pursuance of any such joint Application shall be apportioned so that a separate and distinct Sum may become charged on the Land of each Landowner.

Commissioners may issue Forms;

XIII. The Commissioners may from Time to Time frame and circulate, as they shall see Occasion, Forms indicating the Particulars of the Information to be furnished to them by Landowners for the Purposes of this Act, and such other Forms as the Commissioners may deem expedient for facilitating any Proceedings under this Act.

require Security for Expenses;

XIV. The Commissioners may require Security to be given to them by the Landowner, by Bond, Deposit, or otherwise, in such Form as they may think fit, for the Payment to them of the Expenses which they or their Officers shall incur in respect of the Investigation on any Application, and, if they shall issue such provisional or other sanctioning Order as herein-after mentioned, of the Expenses which they or their Officers shall incur in inspecting and ascertaining the due Execution of the Works; but unless the Commissioners shall issue such absolute Order as herein-after mentioned, such Payment shall not be a Charge on the Land to which such Application relates, but shall be a Debt due by the Person making such Application to the Commissioners,

missioners, and shall be recoverable by them as in the Nature of a Crown Debt.

cause Application to be investigated;

XV. If the Commissioners shall think fit to entertain the Application so made to them, they may cause the Land to be inspected and examined by an Assistant Commissioner, or an Engineer or Surveyor, who shall have regard to and examine the Proposals and Statements contained in such Application, and shall report his Opinion thereon, and who shall also report whether in his Judgment the proposed Improvements will effect a permanent Increase of the yearly Value of the Land exceeding the yearly Amount proposed to be charged thereon in respect of the Improvements applied for; and the Commissioners may by themselves, or any Assistant Commissioner, Engineer, or Surveyor, make such other Inquiries in relation to any such Application as they shall think fit: Provided that the above Requisition as to increased annual Value shall not apply to any Outlay proposed to be made upon or in respect of planting only.

and require proposed Improvements to be modified.

XVI. The Commissioners shall have Power to require such Alterations as they shall think expedient to be made in the Improvements proposed, or in the proposed Mode of executing them.

Advertisements and Notices preliminary to Sanction.

XVII. Before the Commissioners shall sanction any Improvements, Notice shall be given of the Application as well by Advertisement inserted in Two successive Weeks in some Newspaper published in the County in which the Land to be improved lies, or in case there shall be no such Newspaper published in such County then in some County adjoining thereto, as by a Notice in Writing given, where such Lands are situate in *England* or *Ireland*, to every Person entitled to any Estate in such Land, or any Part thereof, in reversion or remainder, up to and inclusive of the Person entitled to the first vested Estate of Inheritance therein, and to every Person entitled to any Mortgage upon such Land or any Part thereof who by reasonable Inquiry shall be known to be so interested, and given, where such Lands are situate in *Scotland*, to the nearest Heir or Heirs of Entail, not exceeding Three, and to the Holders of every Heritable Security on such Lands appearing upon the Records; and in such Advertisements and Notices respectively shall be stated the maximum Amount which it is proposed to charge in respect of the Improvements, and the greatest and least Terms over which it is proposed that the Rentcharge should be spread; and the Commissioners shall not sanction the Improvements until One Month shall have elapsed from the Publication of the Second of such Advertisements and the Service of such Notices (if any) respectively, of which Publication, and of the Service of all necessary Notices as aforesaid, the Landowner shall, if required

quired by the Commissioners, satisfy them by One or more Statutory Declarations made by him or on his behalf.

Power of Dissent by Persons interested, and Protection of Landowner's Infant Children.

XVIII. In case any Person having any Estate in or Charge or Security on the Land to be improved shall within the Month named in the last preceding Section signify in Writing to the Commissioners his Dissent from such Application, stating therein the Nature of his Estate in or Charge or Security on such Land, the Commissioners shall certify such Dissent to the Landowner by whom the Application was made, and shall not make any provisional or other Order sanctioning the Improvements unless or until such Dissent be withdrawn, or an Order be made by the High Court of Chancery in *England* or *Ireland* respectively, or by the Court of Session in *Scotland*, in manner herein-after provided, authorizing the Commissioners to sanction the same; nor shall they make any provisional or other Order sanctioning the Improvement of any Land in the Case of which the Landowner, or the Husband of the Landowner, shall be the Father of the Person or Persons entitled either at Law or in Equity to any Estate in such Land, or any Part thereof, in reversion or remainder, up to and inclusive of the Person entitled to the first vested Estate of Inheritance, and such Person or Persons, or any of them, shall be an Infant or Infants, or a Minor or Minors, unless or until such an Order as herein-before mentioned shall be made by such Court as aforesaid.

The same in case of navigable Rivers and Canals.

XIX. If the Commissioners shall consider that any proposed Improvement would interfere with any navigable River or Canal respectively vested in or under the Management or Control of any Commissioners, Trustees, Conservators, Undertakers, Company, or other Body or Individuals, or the Banks or other Works or Conveniences thereof, or would occasion the Flow or Discharge into such River or Canal of any Drainage or other Matter, the Landowner shall give Notice of the Application in Writing, together with a Plan and Section of the proposed Improvement, to such Commissioners, Trustees, Conservators, Undertakers, Company or other Body, or Individuals; and in case they shall, within One Month after the Receipt of such Notice, signify in Writing to the Commissioners their Dissent from such Application, and state the Nature of their Interest in or Authority over such River or Canal, the Commissioners shall certify such Dissent to the Landowner by whom the Application was made, and shall not sanction the Improvement unless or until such Dissent be withdrawn, or an Order be made by the High Court of Chancery in *England* or *Ireland* respectively, or by the Court of Session in *Scotland*, in manner herein-after provided, authorizing the Commissioners to sanction the Improvement.

XX. When

Consents necessary in case of Church Lands.

XX. When the Land to which the Application relates, or any Part of such Land, is held in right of any Church, Chapel, or other Ecclesiastical Benefice, the Commissioners shall not sanction any Improvement of such Land, or of so much thereof as is so held, unless and until the Patron of the Benefice, and in *England* and *Ireland* the Bishop of the Diocese, and in *Scotland* the Presbytery of the Bounds, shall signify to the Commissioners, by Writing under their Hands, their respective Consents to such Application.

In case of Dissent, or when Landowner's Infant Children are to be protected, Court of Chancery or Session may authorize Commissioners to proceed.

XXI. If and when any Dissent from any such Application to the Commissioners for their Sanction of proposed Improvements shall have been notified in Writing to the Commissioners, either by a Party interested in the Lands proposed to be improved (not being Lands held in right of any Church, Chapel, or other Ecclesiastical Benefice), or by the Commissioners, Trustees, Company, or other Body or Individuals interested in any River or Canal which would or might be interfered with as herein-before mentioned, or if the Landowner, or the Husband of the Landowner, shall be the Father of the Person or Persons entitled either at Law or in Equity to any Estate in the Land to be improved, or any Part thereof, in reversion or remainder, up to and inclusive of the Person entitled to the first vested Estate of Inheritance, and such Person or Persons, or any of them, shall be an Infant or Infants, or a Minor or Minors, the Landowner desiring such Improvements may apply to the High Court of Chancery in *England* or *Ireland* where such Lands are situate in *England* or *Ireland* respectively, or to the Court of Session where such Lands are situate in *Scotland*, for an Order of such Court authorizing the Commissioners to entertain and proceed upon the Application for such proposed Improvements notwithstanding such Dissent or Circumstance; and such Application shall be made, as to Lands in *England*, to the Master of the Rolls or any One of the Vice Chancellors sitting at Chambers, by Summons, calling on the Party dissenting to show Cause why such Order should not be made; as to Lands in *Ireland*, to the Master of the Rolls, by summary Petition or otherwise, as he shall by any General Order direct; and as to Lands in *Scotland*, to either Division of the Court of Session in Time of Session, or to the Lord Ordinary sitting on Bills in Time of Vacation, by summary Petition; and the Court or single Judge, as the Case may be, to whom such Application shall be made, shall hear and determine such Application, and for that Purpose shall have Power to make or direct to be made all such Inquiries, and receive and entertain all such Statements and Evidence, on Oath or by Affidavit, as such Court or Judge may consider

consider necessary or desirable, or as may be produced before them or him; and if upon a Consideration of all the Circumstances such Court or Judge shall be of opinion that the Commissioners should entertain and proceed upon such Application, an Order shall be made authorizing and requiring them to proceed thereon, and to deal with the same according to the Provisions of this Act authorizing them in that Behalf, notwithstanding such Dissent or Circumstance as aforesaid: Provided that if at any Time after Notification of such Dissent, and before any such Order shall have been applied for and made as aforesaid, such Dissent shall be withdrawn by a like Notification in Writing, it shall not be necessary to make or proceed with such Application, or to obtain such Order.

Service of Notice under preceding Clause.

XXII. Where any Party dissenting shall be out of the Jurisdiction of the Court, it shall be lawful for the Court or Judge to order Service to be made in such Manner as such Court or Judge may think fit, and upon Proof to the Satisfaction of such Court or Judge that such Party has had actual Notice within a reasonable Time of such intended Application, it shall be lawful for such Court or Judge thereupon to hear and determine such Application.

And Costs may be given by the Court.

XXIII. The Costs of and incidental to every Application under the Twenty-first and Twenty-second Sections, and the Mode in which such Costs shall be settled or taxed, shall be in the Discretion of the Court or Judge who shall hear such Application, and if such Court or Judge shall so direct, the said Costs shall be deemed to be Part of the Expenses of and incidental to the Application for the proposed Improvements.

Representation of Persons under Disability for Applications and Dissents under preceding Clauses.

XXIV. All Husbands, Guardians, Tutors, Committees, Curators, Feoffees, Trustees, Judicial Factors, Executors, and Administrators shall respectively have the same Rights and Powers of making Applications and signifying Dissents, and taking other Proceedings under this Act, as their respective Wives, Infants, Minors, Lunatics, Idiots, and furious or fatuous Persons would have had if free from Disability, or as such Feoffees, Trustees, Judicial Factors, Executors, or Administrators respectively would have had if the Estates, Charges, or Interests of which they shall be such Feoffees, Trustees, or Judicial Factors, or which shall be vested in them as such Executors or Administrators, had been vested in them in their own Right; but no Guardian, Tutor, Committee, Curator, Feoffee, Trustee, Judicial Factor, Executor, or Administrator shall be in anywise compelled or obliged to signify a Dissent from any Application under this Act, or be in anywise responsible for the Consequences of such Application, or of any Charge made in pursuance thereof.

And

Sanction of Improvements, and Rights thereunder.

And with regard to the Sanction of any Improvements, and the Rights arising thereunder, be it enacted as follows:

Commissioners Order sanctioning Improvements.

XXV. If the Commissioners shall find that the proposed Improvements or any Part thereof, whether with or without any Alterations by them required or sanctioned, would effect a permanent Increase of the yearly Value of the Lands proposed to be improved, or of any Part thereof, exceeding the yearly Amount proposed to be charged thereon, they shall sanction such Improvements, or such Part thereof as they shall think expedient, if under the preceding Sections it shall be lawful for them so to do, by an Order under their Hands and Seal; and they shall by the same Order fix the Rate of Interest to be allowed on the Cost of the sanctioned Improvements, having regard to the Market Value of Money at the Time, but such Interest shall never exceed Five *per Cent. per Annum.*

Forms of Orders sanctioning Improvements to be prepared by Commissioners; what they must contain.

XXVI. The Commissioners shall from Time to Time prepare Forms of Orders for sanctioning Improvements, and shall also, whenever required by the Landowner so to do, frame and entitle their said Orders under this Act in such Manner that they may also be and operate as provisional, sanctioning, or other corresponding Orders under the respective Acts applying to any Company with which he may have contracted relating to the Loan or Improvements in question: Provided that every Order operating under this Act to sanction any Improvements shall name the Landowner to whom it is issued; shall express the greatest Sum to be charged in addition to any Costs, Charges, and Expenses under the Fiftieth Section hereof, and the Rate of Interest and Term of Years for the Repayment thereof, the former not exceeding Five *per Centum per Annum,* and the latter not exceeding Twenty-five Years; shall specify the Lands on which such Repayment is to be charged; and shall either express or refer to some Contract or other Document expressing the general Scheme of the Improvements to be executed.

They may be called Provisional Orders, and may be assigned to Parties agreeing to execute Improvements.

XXVII. Every Order operating under this Act alone to sanction any Improvement may be in the Form set forth in Schedule (A.) hereto, and shall be called a Provisional Order, and shall, subject to the following Section hereof, create in favour of the Landowner named therein the Title to an absolute Charge on the Completion of the sanctioned Improvements, which Title such Landowner may assign, either absolutely or by way of Security, to any Person; and such Assignment may be made by Endorsement on the Provisional Order.

Provision for Death of Landowner

XXVIII. In case of the Death of any Landowner, or the Determination of his Interest, between the Date of the Provisional Order and the Completion of the Improvements sanctioned

pending Completion of Improvements.

tioned thereby, the Right to complete such Improvements, and to assign the Title to an absolute Charge, shall pass to the succeeding Landowner; but if the succeeding Landowner shall not within Three Calendar Months after his Succession proceed with the Works, so as to complete the same in conformity with the Provisional Order, the preceding Landowner, or in case of his Decease his Executors or Administrators, may complete such Improvements, and shall become entitled to have the absolute Charge executed to him or them. If the succeeding Landowner shall complete the Improvements there shall be distinct absolute Charges executed to such Landowner, and the preceding Landowner or his personal Representatives, for the Outlay made by the preceding and succeeding Landowners respectively, and in case of Difference the Commissioners shall determine the Proportions; provided that the succeeding Landowner may, with the sanction of the Inclosure Commissioners, and after Notice to the Parties to whom Notice was originally given, or such of them as may be living, and such other Persons, if any, as the Commissioners may direct, terminate the Proceedings under the Provisional Order, on Payment of the Outlay and Expenses made thereunder, and indemnifying the Person to whom the Title to the absolute Charge may have been assigned. Notwithstanding the foregoing Provisions, if the Title to an absolute Charge shall have been assigned by the preceding Landowner, the Assignee may complete the Improvements if he shall proceed therewith within One Calendar Month from the Time the preceding Landowner ceased to be such Landowner.

Provisional Orders may be modified.

XXIX. The Commissioners may from Time to Time, on Application to be made by the Landowner, and after such Inquiry as they shall think fit, sanction any Modifications or Alterations either of the Scheme of the Improvements or of any other Matter expressed or referred to in the Provisional Order: Provided that no such Modification or Alteration shall increase the Sum to be charged in respect of the Improvements, or extend or curtail the Term of Repayment, beyond the greatest Amount which it was proposed so to charge, or the greatest or least Term over which it was proposed that the Rentcharge should be spread, as respectively stated in the Advertisement and Notices herein-before required: Provided also, that every such Modification or Alteration shall require the Consent of every Party who, by having contracted for the Execution of the Improvements, or by having taken an Assignment of the Title to an absolute Charge, or otherwise, may be interested therein; and the Modifying Order shall be in such Form as the Commissioners shall from Time to Time appoint, and shall be

be construed together with the original Order as One Order with respect to all Rights arising thereunder after the Date of the Modifying Order.

And with regard to the Execution of any Improvements, be it enacted as follows: *Execution of Improvements.*

XXX. Before the Commencement of any Improvements sanctioned in manner aforesaid the Landowner shall deliver to the Commissioners a detailed Specification thereof, and in the Case of Buildings, and also in any other Case where the same shall be required by the Commissioners, a detailed Plan or Drawing: Provided that when it is not intended to complete the Improvements within One Year from the Date of the provisional or other sanctioning Order, the Specification and Plan or Drawing first delivered may comprise so much only as it is intended to complete within One Year from the said Date, so, however, that for the Works of each successive Year such Specification and Plan or Drawing as aforesaid be always delivered in advance. Detailed Specifications to be delivered in advance;

XXXI. The Specifications and Plans or Drawings aforesaid shall be examined and, if necessary, the Spot visited by an Assistant Commissioner, or an Engineer or Surveyor, who shall report whether in his Judgment the Improvements as proposed to be effected will be effected in a substantial and durable Manner, and, in the Case of Farm Buildings, whether the same, or the Improvements thereof or Additions thereto, will be suitable to the Locality; and no Improvement shall be commenced or proceeded with until the Specifications and Plans or Drawings aforesaid shall have been approved by the Commissioners; but nothing herein contained shall render necessary the Redelivery, Re-examination, or Reapproval of any detailed Specifications, Plans, or Drawings which may have been delivered in connection with the Application for the Commissioners' Sanction to the general Scheme of the Improvements, and may have been approved in connection with that Sanction. and approved before Execution of Works.

XXXII. All Persons interested in any Lands adjoining or near to the Land improved or proposed to be improved, and being, as to lands in *England* or *Ireland* by the Provisions of "The Lands Clauses Consolidation Act, 1845," and as to Lands in *Scotland* by the Provisions of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," enabled to sell and dispose of such Lands so adjoining or near, or any Estate or Interest therein, may, for the Purpose of any Improvements authorised by this Act, sell and convey or grant to the Landowner whose Land has been or is proposed to be improved such Lands so adjoining or near, or any Part thereof, or any Easement, Adjoining Lands, or Easements over them, may be sold for Purpose of Improvements, and Conveniences over adjoining Lands for the Exe-

 Authority,

cution of Improvements contracted for.

Authority, or Right in, through, over, or affecting the same and any such Land, Easement, Authority, or Right so sold and conveyed or granted shall thereupon become appurtenant to or pertinent of the Lands improved or proposed so to be, and with reference to the Improvements whereof the same was purchased, and shall be held upon and subject to the same Uses, Trusts, Charges, and Incidents; and all such Persons as aforesaid may also make any Agreement with the Landowner, or with any Person or Company that shall have contracted for the actual Execution of the Improvements, or their respective Agents, with reference to entering on, cutting through or into, or prejudicially affecting such Lands so adjoining or near; and every such Sale, Conveyance, Grant, and Agreement shall be valid and effectual accordingly, and the Price or Consideration shall be settled by Two Surveyors or a Surveyor to be appointed by them in manner provided by the Ninth Section of "The Lands Clauses Consolidation Act, 1845," or, as the Case may be, by the Ninth Section of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and shall be deposited as directed by the same respective Sections, and thenceforth become subject to the Provisions of the same respective Acts.

Works necessary to be made on adjoining Lands for Execution of Improvements may be made under certain Acts.

XXXIII. Whenever the Commissioners shall think that it may be expedient, in order to obtain or improve an Outfall for draining or warping any Lands under this Act, or otherwise with a view to the Improvement of any Lands under this Act, to enter and execute any Works upon any Land adjoining or near to the Land proposed to be improved, where, by reason of the Objection or Disability of any Owner, Lessee, or Occupier of such Land, such Works could not be otherwise executed, Proceedings may be taken, if the said Lands shall lie in *England*, either under the Provisions of the Act of the Tenth and Eleventh Years of the Reign of Her present Majesty, Chapter Thirty-eight, intituled *An Act to facilitate the Drainage of Lands in* England *and* Wales, or under those of the Third Part of the Land Drainage Act, 1861, and, if in *Scotland*, under the Provisions of the Act of the Tenth and Eleventh Years of the Reign of Her present Majesty, Chapter One hundred and thirteen, intituled *An Act to facilitate the Drainage of Lands in* Scotland, but as though in such Act the Inclosure Commissioners for *England* and *Wales* had everywhere been named in place of the Sheriff; and if such Proceedings shall have been taken before the Sanction of the Improvements in question by the Commissioners under this Act, the Commissioners may, by their Order sanctioning such Improvements, declare the Works in respect of which they shall have been taken to be expedient, and such Works shall then be deemed to have been authorized by the Commissioners

Commissioners or by the Sheriff, as the Case may be, and the Provisions of the said respective Acts shall apply to them accordingly.

Provisional Order to protect from Impeachment of Waste, and to authorize getting Materials from Land, &c.

XXXIV. Every Provisional or Modifying Order shall be a full Authority to the Landowner or successive Landowners and their Representatives in the respective Cases herein-before defined, and to all Persons employed by or under Contract with him or them respectively, to enter upon the Lands to be improved, and any adjoining or neighbouring Lands acquired or authorized to be entered under either of the Two last preceding Sections, and to execute in and on the same, without Impeachment of Waste by any Remainderman or Reversioner, all the Improvements sanctioned by the same Order according to the Specifications and Plans or Drawings approved by the Commissioners, and to do, execute, and use all such Acts, Works, and Conveniences as may be proper for making, maintaining, and using such Improvements; and for the Purpose of effecting any Improvement under this or the recited Acts it shall be lawful to get and work Freestone, Limestone, Clay, Sand, and any other Mineral or Substance out of the Land to be improved for charged, and to make Tramroads and other Ways, and to burn and make Bricks, Tiles, and other Things to be used in effecting such Improvements, and also for the same Purpose to cut down and use any Timber or Trees not planted or serving for Shelter or Ornament.

Saving Rights of the Crown.

XXXV. Nothing in this Act contained shall authorize any Person to purchase, take, use, or interfere with, or the Commissioners to make any Order with respect to any Land, Soil, or Water, or any Right in respect thereof, belonging to Her Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or, if the Property should be under the Management or Control of Her Majesty's Commissioners of Works and Public Buildings, without the Consent in Writing of such last-mentioned Commissioners, which Consent the said respective Commissioners are hereby authorized to give; and nothing in this Act contained shall divert, alter, or affect any of the Rights, Powers, or Estates vested in Her Majesty in right of Her Crown.

Saving Rights of the Commissioners of Her Majesty's Works, &c.

XXXVI. Nothing in this Act contained shall authorize any Person to purchase, take, use, or interfere with, or the Commissioners to make any Order with respect to any Land, Soil, or Water, or any Right in respect thereof, the Management or Control of which may be vested in the Commissioners of Her Majesty's Works and Public Buildings on behalf of or in trust for Her Majesty or the Public, without the Consent in Writing of

of the last-mentioned Commissioners, which they are hereby authorized to give.

Saving Rights of Duchy of Cornwall.

XXXVII. Nothing in this Act contained shall authorize any Person to take, use, enter upon, or interfere with any Land, Soil, or Water, or any Rights in respect thereof, belonging to the Sovereign for the Time being in right of the Duchy of *Cornwall* without the Consent in Writing of some Two or more of the regular Officers of the said Duchy, or of such other Persons as may be duly authorized under the Provisions of "The Duchy of *Cornwall* Management Act, 1863," Section Thirty-nine, to exercise all or any of the Rights, Powers, Privileges, and Authorities by the said Act made exerciseable or otherwise for the Time being exerciseable in relation to the said Duchy, or belonging to the Duke of *Cornwall* for the Time being, without the Consent of such Duke, testified in Writing under the Seal of the Duchy of *Cornwall*, first had and obtained for that Purpose, or to take away, diminish, alter, prejudice, or affect any Property, Rights, Profits, Privileges, Powers, or Authorities vested in or enjoyed by the Duke of *Cornwall* for the Time being, or in or by the Sovereign for the Time being in right of the Duchy of *Cornwall*.

Saving Rights of Duchy of Lancaster.

XXXVIII. Nothing in this Act contained shall authorize any Person to purchase, take, use, or interfere with any Lands, Soil, or Water, or any Right in respect thereof, belonging to Her Majesty, Her Heirs or Successors, in right of the Duchy of *Lancaster*, without the previous Consent in Writing of the Chancellor of the said Duchy of *Lancaster*, which Consent such Chancellor is hereby authorized to give, or to take away, lessen, prejudice, or alter any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors, in right of the said Duchy of *Lancaster*.

Saving Rights of the Admiralty, and of the Board of Trade.

XXXIX. Nothing in this Act contained shall authorize any Person to purchase, take, use, or interfere with any Land, Soil, or Water, or any Right in respect thereof, or to take away, lessen, prejudice, or alter any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Lord High Admiral, or the Commissioners for the Time being for executing the Office of Lord High Admiral (herein-after designated the Admiralty), or vested in or enjoyed by the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations (herein-after designated the Board of Trade), without the previous Consent of the Admiralty signified in Writing under the Hand of the Secretary of the Admiralty (which Consent the Admiralty are hereby authorized to give), or, as the Case may be, without the previous Consent of the Board of Trade signified

fied in Writing under the Hand of One of the Secretaries of the said Board.

Plans to be deposited with Admiralty before commencing Works below High-water Mark.

XL. With respect to any Harbour, Port, Bay, Estuary, or navigable River, or Part thereof, comprised in any Notice from Time to Time given by the Admiralty under Section Nine of "The Harbours Transfer Act, 1862," previously to commencing any Work below High-water Mark there shall be deposited at the Admiralty Office Plans, Specifications, and Working Drawings thereof for the Approval of the Admiralty, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and with respect to all other Parts where the Tide flows, previously to commencing any Work below High-water Mark there shall be deposited at the Office of the Board of Trade Plans, Specifications, and Working Drawings thereof for the Approval of the Board of Trade, such Approval to be signified in Writing under the Hand of One of the Secretaries of the said Board, and any such Work shall be constructed only in accordance with such respective Approval; and when any such Work shall have been commenced or constructed, it shall not be lawful at any Time to alter or extend the same without obtaining, previously to making any such Alteration or Extension, the like respective Consent and Approval; and if any such Work shall be commenced or completed, or be altered, extended, or constructed, contrary to the Provisions of this Act, it shall be lawful for the Admiralty, or the Board of Trade, as the Case may require, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Person or Company that executed the said Work, the Amount of which Cost and Charge shall be a Debt due from such Person or Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Landowner to pay Expenses of Survey ordered by Admiralty.

XLI. If at any Time or Times it shall be deemed expedient by the Admiralty or the Board of Trade, as the Case may require, to order a local Survey and Examination of any Embankment or Work proposed to be constructed under the Powers of this Act in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Landowner shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Landowner, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Landowner.

Saving Rights of Her Majesty's Princi-

XLII. Nothing in this Act contained shall authorize any Person to purchase, take, use, or interfere with any Land, Soil, or Water, or any Right in respect thereof, or to take away, lessen,

pal Secretary of State for War.

lessen, prejudice, or alter any of the Rights, Privileges, Powers, or Authorities, vested in or enjoyed by Her Majesty's Principal Secretary of State for the War Department for the Time being, without the previous Consent of the same Principal Secretary signified in Writing under his Hand, which Consent the said Principal Secretary for the Time being is hereby authorized to give.

Rights of Commissioners of Sewers saved.

XLIII. Nothing in this Act contained shall take away, lessen, prejudice, or alter any of the Rights, Privileges, Powers, or Authorities vested in or to be discharged by any Commissioners of Sewers appointed by any Commission under the Great Seal or under the Seal of the Duchy of *Lancaster*, or in or by any other lawful Commission of Sewers, or the Commissioners appointed under any Local or Private Acts of Parliament for Sewers or Drainage; nor shall any Work be done which in any way interferes with any Sewers, Drains, or Watercourses under the Control of any Commissioners of Sewers; and no new Sewers, Drains, Watercourses, or Works of Drainage shall be made or done under the Powers of this Act within the District and Jurisdiction of any such Commissioners, unless the same be previously approved by those Commissioners; and all such Work shall be carried on and completed under the Direction and Control of the same Commissioners and their Officers; and all Sewers, Drains, Watercourses, and Works of Drainage made under this Act within the District and Jurisdiction of any Commissioners of Sewers shall be and remain subject in all respects to the Jurisdiction of those Commissioners; and whenever any Works under this Act would intersect or interfere with any Sewer, Drain, or Watercourse under the Control of any such Commissioners, the Person or Company executing the same shall, before any such Works be made, construct such proper Sewers or Works of Drainage, and also comply with such Orders and Regulations, as those Commissioners shall require or make to guard against Injury to the Drainage of the District.

Works connected with Thames to be executed under Direction of Conservators of Thames.

XLIV. All Works executed under the Authority of this Act in or connected with the River *Thames*, or the Towing-path thereof, within the Jurisdiction of the Conservators of the River *Thames*, shall, in addition to the Approval of such Works by the Admiralty, so far as herein-before made necessary, be executed according to a Plan to be approved of by such Conservators, and to be deposited at their Office; and such Works shall be executed and performed to the Satisfaction of the Engineer for the Time being of such Conservators; and nothing herein contained shall extend to prejudice or derogate from the Estates, Rights, Interests, Liberties, Privileges, or Franchises

Franchises of the Conservators of the River *Thames*, or to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of the passing of this Act the said Conservators did or might lawfully claim, use, or exercise.

Metropolitan Board of Works, &c. protected.

XLV. Where any of the intended Works to be done under or by virtue of this Act shall or may pass over, under, or by the Side of, or so as prejudicially to interfere with, any Sewer, Drain, Watercourse, Defence, or Work under the Jurisdiction or Control of the Metropolitan Board of Works, or of any Vestry or District Board constituted under the "Metropolis Local Management Act, 1855," or any Sewers or Works to be made or executed by any such Board or Vestry, or shall or may in any way prejudicially affect the Sewerage or Drainage of the Districts under the Control of any such Board or Vestry, the Person or Company executing such Works shall not commence the same until he or they shall have given to the said Metropolitan or District Board or Vestry, as the Case may be, Fourteen Days previous Notice in Writing of his or their Intention to commence them, by leaving such Notice at the principal Office of such Board or Vestry, as the Case may be, for the Time being, with a Plan and Section showing the Course and Inclination of the Intended Works, and other necessary Particulars relating thereto, and until such Board or Vestry respectively shall have signified their Approval of the same, unless such Board or Vestry, as the Case may be, do not signify their Approval, Disapproval, or other Directions within Fourteen Days after Service of the said Plan, Sections, and Particulars as aforesaid; and such Person or Company shall comply with and conform to all Directions and Regulations of the respective Board or Vestry in the Execution of the said Works, and shall provide any new, altered, or substituted Works in such Manner as such Board or Vestry may deem necessary for the proper Protection of the Sewers and Works herein-before referred to, and for preventing Injury or Impediment thereto by or by reason of the said intended Works or any Part thereof, and shall save harmless the said Metropolitan or District Board or Vestry respectively against all and every Expense to be occasioned thereby; and all such Works as may be so required shall be done by or under the Direction, Superintendence, and Control of the Engineer or other Officer or Officers of the said Metropolitan or District Board or Vestry, as the Case may be, at the Costs, Charges, and Expenses in all respects of the Landowner; and when any new, altered, or substituted Works as aforesaid, or any Works of Defence connected therewith, shall be completed under the Provisions of this Act, the same shall thereafter be as fully and completely under the Direction, Jurisdiction, and Control

Control of the said Boards and Vestry respectively as any Sewers or Works now are or hereafter may be; and nothing in this Act shall extend to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested or to be vested in the said Boards and Vestries, or any of them, or their Successors, but all such Rights, Powers, and Authorities shall be as valid and effectual as if this Act had not been passed.

Water Companies and Commissioners protected.

XLVI. Nothing in this Act contained shall authorize any Person to take, otherwise than by Agreement, any Land of any Waterworks Company or Waterworks Commissioners, or to alter or interfere with any Works or Property of any such Company or Commissioners, without their previous Consent in Writing, or to authorize any Person to foul or otherwise injuriously interfere with or affect any Stream or Supply of Water which any Waterworks Company or Waterworks Commissioners are authorized to use for the Purposes of their Undertaking.

Rivers, Canals, &c. protected.

XLVII. All Works executed under the Authority of this Act in or connected with any River, Canal, or Inland Navigation, or the Banks or Towing-paths or Works thereof, vested in or under the Jurisdiction or Management of any Corporation, Conservators, Trustees, Commissioners, Undertakers, or Individuals, or in respect of the Navigation whereon or the Use whereof any such Corporation, Conservators, Trustees, Commissioners, Undertakers, or Individuals are entitled by virtue of any Act of Parliament to the Receipt of any Tolls or other Dues, shall be executed according to a Plan to be approved by such Corporation, Conservators, Trustees, Commissioners, Undertakers, or Individuals, and to be deposited at their Office, and such Works shall be executed, maintained, and performed to the reasonable Satisfaction of the Engineer for the Time being of such Corporation, Conservators, Trustees, Commissioners, Undertakers, or Individuals; and nothing in this Act contained shall prejudice or derogate from the Estates, Powers, Rights, Interests, Liberties, Privileges, or Franchises of such Corporation, Conservators, Trustees, Commissioners, Undertakers, or Individuals, or prohibit, defeat, alter, or diminish any Right, Power, Authority, or Jurisdiction which, at the Time of the passing of this Act, such Corporation, Conservators, Trustees, Commissioners, Undertakers, or Individuals did or might lawfully claim, use, or exercise.

Commissioners may inspect Works.

XLVIII. The Commissioners shall, if and as they see Occasion, cause any Improvements in progress under this Act to be inspected by a Commissioner or Assistant Commissioner, or an Engineer or Surveyor, to ascertain the due Execution thereof.

And

And with regard to Charges for Improvements under this Act, be it enacted as follows:

Charges for Improvements.

XLIX. When the Commissioners are satisfied that the Improvements sanctioned by them, or some Part thereof, have been properly executed, either according to the Specifications and Plans or Drawings approved of by them, or with such Deviations therefrom as in their Judgment will not diminish the permanent Benefit accruing from such Improvements to the Lands wherein they have been made, they shall execute a Charge under their Hands and Seal upon the Inheritance or Fee of the Lands comprised in the provisional or other sanctioning Order, or some sufficient Part thereof, for the Sum by the same Order expressed to be chargeable in respect of such Improvements, if all the said Improvements have been completed, or for a proportional Part of such Sum if a Part only of the said Improvements has been executed, together, in either Case, with the Interest by the same Order expressed, and with the Amount (if any) which shall have been paid in respect of the Purchase of adjoining Lands, or of any Easement, Authority, or Right in, through, over, or affecting adjoining Lands, with Interest thereon at the like Rate.

Commissioners to execute Charge on Completion of Works, or of some Part thereof.

L. If the Landowner is desirous that the Inheritance or Fee of the Lands improved should be charged with the Expenses of and incident to his Application to the Commissioners, or his Contract with any Company or Person relating to the Execution of the Improvements, or to the Advance of Money for their Execution, the Commissioners may ascertain the Amount of the Costs, Charges, and Expenses properly incurred preparatory or in relation to and consequent on such Contract, and the Application to the Commissioners or either of them, and may include in the Principal Money charged on the Inheritance or Fee of such Lands the Amount of such Costs, Charges, and Expenses, and of the settled or taxed Costs, if any, which a Court or Judge shall have ordered as aforesaid to be deemed and taken to be Part of the Expenses of and incident to the Application for Improvements, or such Part thereof as the Commissioners think fit; and the Commissioners may also include in such Principal Money Interest at a Rate not exceeding Five Pounds *per Centum per Annum* on all Payments forming Part of the same Principal Money from the respective Dates of such Payments to that of the Absolute Order, but so that no Interest shall be allowed on any such Payment for more than Six Years; provided that the total Amount of the Principal Money to be charged on the Lands improved under the Provisions of this Act shall not in any Case exceed that to which, in the Opinion of the Commissioners, the Inheritance

Expenses of Application and certain Contracts may be included in Charge.

 or

or Fee of the Lands improved will be durably benefited by the Improvements.

The Charges to be by way of Rentcharge created by Absolute Order;

LI. Every Charge under this Act shall be created by way of Rentcharge, payable half-yearly, extending over the Term of Years fixed by the provisional or other sanctioning Order, and the first Payment thereof to be made Six Months after the Time when the Works in respect of which the same was granted were executed to the Satisfaction of the Commissioners; and the Payment for each Half Year shall be, and be expressed to be, as to Part thereof a Repayment of a certain Amount of Principal Money, and as to the Remainder thereof a Payment of Interest; and the Charge shall be duly stamped for denoting Payment of the proper *ad valorem* Stamp Duty which would be payable on a Mortgage for securing the like Amount as the Principal Money thereby charged, and shall be called an Absolute Order; and a Copy of every such Absolute Order shall be authenticated by the Seal of the Commissioners, and shall be kept by them; and such Copy, and any Copy thereof authenticated by their Seal, shall be Evidence of the Contents and Purport of the same Absolute Order.

and may be made according to Form in Schedule (B.)

LII. Charges under this Act shall be made according to the Form in the Schedule (B.) hereto annexed, or as near thereto as the Circumstances of the Case will admit.

Expenditure made under this Act may be charged under Acts of Improvement Companies.

LIII. Whenever, by Assignment, under the Twenty-sixth Section hereof or otherwise, a Company having Power to execute or advance Money for the Improvement of Land shall become entitled to the Creation of any Charge under either the Forty-ninth or the Seventy-eighth Section hereof, the Commissioners shall, if required, but subject to the Provisions herein-before contained, create such Charge in the Form of, and so that it may also operate as, an absolute or other corresponding Order under the Act or Acts applying to such Company.

Improvement Companies may exercise the Powers of this Act, on conforming to its Procedure.

LIV. Any Company authorized by Act of Parliament to execute or advance Money for the Improvement of Land, by giving Notice to the Commissioners of their Intention to avail themselves of any of the Powers given by this Act, shall be held to have adopted the same, and thenceforth all the Procedure of such Company shall be carried on under and in accordance with this Act only; and any such Company which shall adopt this Act as herein-before provided may, with the Sanction of Three-fourths of the Shareholders present at an Extraordinary Meeting of the Company specially convened for the Purpose, execute or advance Money for the Execution of any Improvement authorized by this Act in any Part of the United

As also Companies authorized to execute Improvements in

United Kingdom, although not so authorized by any Act or Acts relating to the Company. the United Kingdom.

LV. The Execution of the Absolute Order by the Commissioners shall be conclusive Evidence in all Courts, and for all Purposes, of the Validity of the Charge thereby expressed to be made, and no Inquiry shall be permitted either into the Title or Estate of the Landowner, or into the due Performance of anything required to be done by this Act, or as to any other Matter on which the Validity of such Charge might but for this Enactment have depended. Absolute Order to be conclusive Evidence of Charge.

LVI. A Memorial of every Absolute Order of the Commissioners whereby a Rentcharge is created on Land in *England* and *Wales*, in pursuance of this Act, shall be registered at the Office of the Land Registry in *England*, and a Memorial of every Absolute Order of the Commissioners whereby a Rentcharge is created on Land in *Ireland*, in pursuance of this Act, shall be entered in the proper Office for the Registration of Deeds and Wills, and such Memorials respectively shall express and contain the Date of the Order, the Name and Address of the Landowner, the Particulars of the Lands charged, the Amount of the Rentcharge, and the Period during which the same shall be made payable; and the Production of the Absolute Order, sealed with the Seal of the Commissioners, shall be a sufficient Authority to the Registrar for the Entry of such Memorial at the proper Registry Office; and all Grants of Rentcharges on Lands in *Scotland* shall be registered in the General or Particular Register of Sasines: Provided that every Rentcharge to which the present Clause applies shall have Priority as herein-after declared, any Law or Usage to the contrary notwithstanding. Registry of Rentcharges in Ireland, Middlesex, Yorkshire, and Scotland.

LVII. Whenever by or under the Provisions of any Act of Parliament, Royal Charter, or Commission under the Great Seal or the Seal of the Duchy of *Lancaster* any public or general Works of Drainage or other Improvement shall be required or authorized to be executed, and the Cost thereof shall be directed or authorized to be assessed or charged upon the Inheritance of the Lands improved, then any Landowner who shall, under such Act, Charter, or Commission, have been assessed, and shall have become liable to pay any Sum of Money so chargeable for or towards such Works and Improvements, or any of them, in respect of his Land, may apply to the Commissioners to sanction the Money so assessed being charged upon the Land in respect of which such Landowner shall have been so assessed; and if the Commissioners shall be satisfied that the Works or Improvements have been executed in accordance with the Requirement or Authority in such Act, Charter, Landowner may borrow the Amount of certain Public Assessments, and charge same on Inheritance;

Charter, or Commission contained, they may, after the Money shall have been duly paid by such Landowner, by an Absolute Order within the Meaning of the Fifty-first Section hereof, charge upon the Inheritance or Fee of the Land in respect of which such Landowner shall have been so assessed the Amount so assessed and paid, or such Part of it as the Commissioners may be willing to sanction, to be repaid with Interest.

in Form specified, together with Costs of Application.

LVIII. Such Absolute Order and Charge may be made in any Form and for any Term permitted by this Act, and all the Provisions hereof shall apply thereto in the same Manner and with the same Effect and Operation in all respects as if such Order and Charge had been made in respect of Improvements upon the said Land executed under the Powers of this Act; and if the Landowner is desirous that the Inheritance or Fee of the said Land should be charged with the Costs, Charges, and Expenses of and incident to the said Application and Order, or any Contract connected therewith, the Provisions of the Fiftieth Section hereof shall extend and apply to the present Case in the same Manner as to the Costs, Charges, and Expenses of the Application and Contracts in the said Fiftieth Section mentioned.

Grantee to have Charge for Principal Money from Time to Time unrepaid, with Priority over other Incumbrances.

LIX. From the Date of the Absolute Order, the Grantee thereof, and his Executors, Administrators, Successors, and Assigns, shall have a Charge on the Lands therein comprised for the Principal Money from Time to Time remaining undischarged, by Payment of the Rentcharge, with Interest, at the Rates in the several Cases herein before respectively expressed, and such Charge shall have Priority over every other then existing and future Charge and Incumbrance affecting such Lands or Estates and Interests respectively, whether created under the Powers of any Act of Parliament or otherwise, except Quit Rent, Crown Rents, Chief Rents, Feu Duties, Ground Annuals, and other Charges incident to Tenure, Tithe Commutation Rentcharges and Teinds, Charges created or to be created under any Act authorizing Advances of public Money for the Improvement of Land, and any Charges created under this Act of Charges of prior Date created under any other existing Act of Parliament authorizing the charging of Lands with the Expense of and incident to their Improvement: Provided that in case a Part only of the Land charged is subject to a Mortgage or other Incumbrance, the Charge created under the Authority of this Act shall have Priority over the Mortgage or other Incumbrance only to the Extent of a due Proportion of such Charge, when and so soon as the same shall be ascertained under and pursuant to the Sixty-sixth Section of this Act.

LX. Every

Charges to be Personal Property, but Money authorized to be invested on Real Security may be invested therein, or on Mortgages thereof.

LX. Every Charge under this Act shall, as regards the Holder thereof, be deemed to be Personal Property, except that any Holder of such a Charge, who shall desire to extinguish the same by reuniting it to the Land charged, shall have Power for that Purpose to direct by any Deed that it shall be reunited to and merge in the beneficial Interest in the said Land, as if it were of the same Nature and Tenure therewith; but all Trustees, Directors, and other Persons who may be directed or authorized to invest any Money on Real Security shall (unless the contrary be provided by the Instrument directing or authorizing such Investment) have Power, at their Discretion, to invest Money in such Charges, or on Mortgages thereof.

Charges not to preclude Trustees from investing in Purchase or on Mortgage of Lands.

LXI. No Charge on Land made by any Absolute Order by virtue of this Act shall be deemed such an Incumbrance as shall preclude a Trustee of Money, with Power to invest the same in the Purchase of Land or on Mortgage, from investing it in a Purchase or upon a Mortgage of the Land so charged, unless the Terms of his Trust or Power expressly provide that the Land to be so purchased or taken in Mortgage be not subject to any prior Charge.

Proprietor of Scotch Entailed Estate may avail himself of Act, and Rentcharge to be Charge on such Estate.

LXII. No Proprietor of an Entailed Estate in *Scotland* shall be held to have contravened the Conditions of the Entail by reason of his having availed himself of the Provisions of this Act, and no Rentcharge imposed or created on any Entailed Lands in *Scotland* under the Authority of this Act shall be made use of as a Ground for adjudging, selling, or evicting such Lands, or any Part thereof, contrary to the Provisions and Conditions of the Entail, but every such Rentcharge shall be a good and effectual Charge upon and against such Entailed Lands to every other Effect, and upon and against the Rents and Profits thereof.

Rentcharges to be recoverable as Tithe Rentcharges or Feu Duties.

LXIII. Every Rentcharge on Land by virtue of this Act may be recovered by the Person or Company for the Time being entitled to the same, as to Lands in *England* or *Ireland*, by the same Means, and with the like Powers, and in like Manner in all respects as a Rentcharge in lieu of Tithes would be recoverable if charged on the same Land under the Act of the Seventh Year of King *William* the Fourth for the Commutation of Tithes in *England* and *Wales*, or under the Act of the First and Second Years of the Reign of Her present Majesty to abolish Compositions for Tithes in *Ireland* and to substitute Rentcharges in lieu thereof, and the several Acts passed for amending the same, as the Case may be, and as if such Rentcharge by virtue of this Act were a Rentcharge in lieu of Tithes made payable to such Person or Company under the said Acts respectively,

spectively, and as to Lands in *Scotland* by the same Means and in the like Manner in all respects as any Feu Duties or Rent or annual Rent or other Payment out of the same Lands would be recoverable.

Interest on Arrears of Rentcharges.

LXIV. If any Rentcharge payable under this Act shall be in arrear, such Arrear shall not bear Interest for a longer period than Six Months, but Interest at Five Pounds *per Centum per Annum* in respect of the same, for any Period not exceeding Six Months, may be recovered in the same Manner as the Sum in arrear: Provided that if, at the Expiration of Six Months from the Time of any Payment falling into arrear, there shall not be upon the Land charged a sufficient Distress to answer and satisfy the said Payment and Interest thereon for the said Period of Six Months, together with the Costs and Charges of such Distress, then the Arrears of such Payment shall continue to bear Interest at the Rate of Five Pounds *per Centum per Annum* until Payment or Satisfaction thereof, and such Interest may be recovered in the same Manner as the Sum in arrear.

Assignment of Charges.

LXV. The Grantee or other Person for the Time being entitled to any Rentcharge created under this Act may assign the same by Deed duly stamped, and wherein the Consideration is truly stated; and such Assignment may be according to the Form in Schedule (C.) to this Act annexed, or to the like Effect; and all Assignments made in such Form, or as near thereto as the Circumstances of the Case will admit, shall be effectual to vest, both at Law and in Equity, the Charge thereby assigned, and all the Powers, Authorities, Rights, and Remedies of the Assignor with reference to such Charge, in the Assignee, his Successors, Executors, Administrators, and Assigns respectively, and Notice of such Assignment shall be sent to the Commissioners at their Office in *London*.

Tenants for Life to keep down Rentcharges.

LXVI. Every Landowner on whose Land a Charge shall have been made under this Act, and every succeeding Tenant for Life, Tenant in Tail, and other Person having a limited Interest in the Land so charged, shall, as between himself and the Persons in remainder or reversion, be bound to pay the yearly or other periodical Payments of such Charge which shall become payable during the Continuance of his Interest; and in case he be in the actual Occupation or entitled to an apportioned Part of the Rents and Profits of such Land up to the Time of the Termination of his Interest, he shall also be bound to pay an apportioned Part of the yearly Rent or other periodical Payment of such Charge which shall become due next after the Termination of his Interest, proportional to the Time which elapsed between the Day for the previous Payment and the Day of

of such Termination: Provided that no Person becoming entitled in possession to any Estate or Interest in the Land shall be liable, as between himself and the Persons entitled to the Rentcharge, to pay any Arrears of the Charge remaining unpaid at the Time of his becoming so entitled in possession beyond the Amount of Two Years Payment of such Charge: Provided also, that the Amount paid by any Person in respect of such Arrears, and any Costs occasioned by Nonpayment thereof, shall be a Debt from the Person who in the first instance ought to have paid the same, or from his Estate, to the Person who paid the same, and shall be recoverable accordingly.

Tenant may deduct Rentcharge, unless he has agreed to pay it.

LXVII. If any Tenant or Occupier at a Rent join in the Application for an Improvement, or by Writing under his Hand signify to the Commissioners, or to an Assistant Commissioner or Engineer, his Consent to become charged with the Charge, or an apportioned Part thereof as herein-after mentioned, such Tenant or Occupier shall during his Tenancy or Occupation be liable to pay the Charge, or an apportioned Part thereof as herein-after mentioned; and in case the Charge be made in respect of the Improvement as well of other Land as of the Land included in such Tenancy or Occupation, the Commissioners may, upon such Consent of the Tenant or Occupier, declare in the Absolute Order what Portion of the whole Charge payable in respect of the Improvement shall be payable by such Tenant or Occupier during his Tenancy or Occupancy in respect of the probable Improvement of the Land included in his Tenancy or Occupation; but, except as aforesaid, every Tenant or Occupier who pays such Charge shall be entitled to deduct the Amount thereof from the Rent payable by him to the Landowner, and shall be allowed the same in Account with him.

Rentcharges may be apportioned, or Part of the Land charged released therefrom.

LXVIII. If at any Time Land charged under this Act, or under any other Act authorizing the Creation of Charges by the Commissioners, is occupied in separate Farms or other Holdings, or has become the Property of separate Owners, or the Owner thereof is entitled thereto under separate Titles or for distinct and separate Interests, or is desirous to sell or dispose of Part of such Land, or Part only of such Land is subject to any Mortgage or other Incumbrance, or for any other Reason it would be desirable that the Charge should be apportioned or a Part of the Land charged released therefrom, the Commissioners may, with the Consent of the Landowner, or if the Land has become the Property of separate Owners, or a Part thereof is subject to any Mortgage or Incumbrance, then upon the Application of any One of such Owners, or of such Mortgagee or Incumbrancer, but in every Case with due Notice to the Grantee

Grantee or Assignee of the Charge, or the Husband, Guardian, Tutor, Curator, Committee, or Trustee of such Grantee or Assignee, if a married Woman, Infant, Lunatic, Idiot, or furious or fatuous Person, and to such other Parties (if any) as the Commissioners think right, either release from such Charge any Part of the Land charged therewith, or apportion such Charge so that a separate and distinct Charge may become charged on each separate Farm or Holding, or on the Land of each Landowner, or on the Land held under each separate Title or for each distinct and separate Interest, or on the Part or each Part which the Landowner is desirous to sell or dispose of and the Part intended to be retained by him, or on the Part subject to such Mortgage or other Incumbrance and on the Residue, or on any other separate Parts of the Land, but so that no Charge charged under such Apportionment shall be less than Twenty Shillings for each half-yearly Payment: Provided that no Lands shall, in consequence of any such Apportionment or Release, become charged with any greater Amount than that to which, in the Opinion of the Commissioners, they have been durably benefited by the Improvements in respect of which such Charge was created.

Form, Registry, and Effect of Orders of Apportionment and Release.

LXIX. Every such Apportionment or Release shall be made by an Order under the Hands and Seal of the Commissioners, and shall be in the Form set out in Schedule (D.) or (E.) to this Act, as the Case may be, or as near thereto as Circumstances will permit, and as to Lands in *England* and *Wales*, or in *Ireland* or *Scotland*, shall be registered in the Manner mentioned in the Fifty-fourth Section hereof, or as near thereto as Circumstances will permit; and a Copy of every such Order shall be authenticated by the Seal of the Commissioners, and shall be kept by them; and such Copy, or any Copy thereof authenticated by their Seal, shall be conclusive Evidence in all Courts and for all Purposes of the Contents and Purport of the same Order, and of the Validity of the Apportionment or Release thereby expressed to be made; and such Order shall take effect from the Date thereof, subject to the continuance of all Rights and Remedies for the Recovery of Monies which before the Date thereof may have become payable out of any Lands under the Charge so apportioned or released.

Charges apportioned, or from which Part of the Lands have been released, to be

LXX. Every Charge apportioned or released as aforesaid shall be recoverable out of the Lands on which the same is charged by the Order of Apportionment, or which shall not by the Order of Release be released therefrom, in the same Manner as if the same had been originally charged on such Lands respectively, and shall, for all the Purposes of this Act, or of the Act under which the original Charge was created, be deemed

deemed to be an original Charge on such Lands by Absolute Order.

deemed original Charges.

LXXI. Where any Lands are charged by more than One Absolute Order, any Order of Apportionment or Release under the preceding Sections hereof may comprise all or any Number of the Rentcharges existing by virtue of such Absolute Orders.

Several Charges may be dealt with in One Order of Apportionment or Release.

And with regard to the upholding Improvements under this Act, be it enacted as follows:—

Upholding Improvements.

LXXII. So long as any Land shall continue charged with any Charge hereunder, the Person for the Time being bound to make the periodical Payments of such Charge shall uphold the Improvements and Works in respect of which such Charge is made, and shall keep clear and open the Outfalls and Watercourses of all the Drains (if any), and shall, if required either by the Commissioners or by any Person who shall for the Time being be interested in such Charge under any Assignment or Mortgage thereof, once in every Year certify to the Commissioners the State of such Improvements and Works, and of such Outfalls and Watercourses (if any); and if such Person shall not so keep and uphold such Improvements and Works, and such Outfalls and Watercourses (if any), or shall fell, or cause or knowingly permit to be felled, except in proper thinning, any Trees planted under the Authority of this Act as an Improvement, he shall be liable to an Action on the Case, in the Nature of an Action of Waste, for the Damage thereby occasioned at the Suit of any Person entitled to any Estate in remainder or reversion in such Lands.

Improvements to be upheld, and Condition thereof certified if required.

LXXIII. Every Person for the Time being bound to make the periodical Payments of any Charge may from Time to Time, by himself, his Engineers, Surveyors, Agents, Servants, and Workmen, enter upon any Lands in, through, or upon which any of the Works have been executed, to ascertain the Condition of the Works, and to maintain and repair the same, nevertheless paying to the Person for the Time being enabled by this Act to sell or grant any Easement in such Lands, in case the Parties differ about the same, such Compensation as shall be determined by Two Justices or the Sheriff, as provided by the "Lands Clauses Consolidation Act, 1845," or the "Lands Clauses Consolidation (*Scotland*) Act, 1845," for Settlement by Justices and Sheriffs respectively of Questions of disputed Compensation: Provided that as to any Lands adjoining or near the Land improved, to which the Provisions of the Acts of the Tenth and Eleventh Years of the Reign of Her present Majesty, Chapters Thirty-eight and One hundred and thirteen, and those of the Third Part of The Land Drainage Act, 1861, are herein-before respectively made applicable, the

Power to enter on neighbouring Lands for Repair of Works, making Compensation.

Powers of Entry upon such Lands for any of the Purposes aforesaid shall be subject to and be regulated by the Provisions of those Acts respectively.

Farmhouses, &c., to be insured; Power to insure in case of Default.

LXXIV. When any Farmhouses, Farm Buildings, or Works susceptible of Damage by Fire shall have been erected, improved, or added to under this Act, then, so long as any Land shall continue charged under this Act in respect thereof, the Person for the Time being bound to make the yearly or other periodical Payments of such Charge shall insure and keep insured against Damage by Fire all such Farmhouses, Farm Buildings, and Works in an Amount equal to the principal Amount originally secured by such Charge at the least; and such Person shall once in every Year certify to the Commissioners the Fact of such Insurance, and the Particulars thereof, and that the Premium and Duty for such Insurance for the Year then current have been duly paid; and if such Person shall not insure or keep insured such Farmhouses, Farm Buildings, and Works, or shall not duly certify the Matters aforesaid, it shall be lawful for the Person entitled to the Charge for the Time being, with the Assent of the Commissioners, to insure against Damage by Fire the said Farmhouses, Farm Buildings, and Works in an Amount not exceeding the principal Amount originally secured by such Charge, and either in the Name of the Person by whom such Default shall have been made, or in the Name of the Landowner mentioned in the Absolute Order, and thereafter to keep the same insured during the Continuance of the said Charge; and the Person for the Time being bound to make the periodical Payments of such Charge shall from Time to Time, on the Day on which the next Payment shall become due on the said Charge, repay to the Person for the Time being entitled to the said Charge any Sums so paid by him for Premium and Duty on such Insurance; and in default of such Payment, the Amount of such Premium and Duty, with Interest thereon at the Rate of Five Pounds *per Centum per Annum* from the Time of such Default, may be recovered by the last-mentioned Person by the same Means and in the like Manner as if the same had been payable as Part of the said Charge.

Inclosure Commissioners may compel Maintenance of Improvements.

LXXV. If it shall be represented to the Commissioners that the Person for the Time being bound to make periodical Payments of any Charge created under this or any other existing Act authorizing the Advance of Money for the Improvement of Land has neglected to uphold and maintain the Improvements in respect of which the Charge was executed, or any of them, the Commissioners may, upon Security being given for such an Amount as they may consider necessary to cover any Expenses that

that may be incurred by them, cause an Inspection of the Works to be made by an Assistant Commissioner, Engineer, or Surveyor.

After such Inspection, if the Commissioners are satisfied that the Improvements have not been upheld and maintained, they shall cause Notice to be given to the Person bound to make the said periodical Payments requiring him to execute the Works necessary to uphold and maintain the same within Three Calendar Months from the Time of giving such Notice.

If such Works shall not be executed to the Satisfaction of the Commissioners within such Three Months, they may cause such Works as in their Judgment shall be necessary to uphold and maintain such Improvements to be executed by a Person appointed by them.

The Costs thereof, including the Expenses of the Assistant Commissioner, Engineer, or Surveyor, shall be repaid by the Person bound to make the said periodical Payments to the Person entitled to the Charge, on Request, and in default thereof the Amount so certified may be recovered, with all Expenses incidental to the Recovery thereof, in the Name of the Person for the Time being entitled to the Charge, by the same Means and in the like Manner as if the same had been payable as Part of the said Charge.

Inclosure Commissioners may give Relief from Maintenance of Improvements.

LXXVI. If it shall be represented to the Commissioners that it is not expedient or necessary that any Works for the Cost of which there shall be a subsisting Charge, or any Part of such Works should be upheld or maintained, the Commissioners may, on having deposited with them a Sum, to be fixed by them, to cover all Expenses, cause the said Works to be inspected by an Assistant Commissioner, Engineer, or Surveyor.

If after such Inspection and Notice to the Parties who were served with Notice of the Application to charge the Land or their Representatives, and such other Persons, if any, as the Commissioners may direct, the Commissioners shall find and certify that it is not expedient or necessary that the Works or any of them should be upheld or maintained, thereupon the Person for the Time being bound to make the said periodical Payment shall be relieved from all Liability in respect of the Maintenance of the Works referred to in the Commissioners Certificate.

Admiralty may remove Works abandoned or fallen into Decay.

LXXVII. If any Embankment or Work constructed under the Powers of this Act in, under, over, through, or across any tidal Water or navigable River, or if any Portion of any Embankment or Work which affects or may affect any such Water or River, or the Access thereto, shall be abandoned, or suffered to fall into Disuse or Decay, it shall be lawful for the Admiralty

ralty or the Board of Trade, as the Case may require, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Landowner, the Amount of which Cost and Charge shall be a Debt due from the Landowner to the Crown, and be recovered accordingly, with Costs of Suit.

Subscription to Railways.

And with regard to charging Lands with Money subscribed for the Construction of Railways, be it enacted as follows:

Conditions for Application to Commissioners.

LXXVIII. In case any Landowner shall be desirous of subscribing for any Shares or Stock in the Capital, whether original or additional, of a Company having Power to construct a Railway or navigable Canal, or any Branch or Extension Railway or navigable Canal, or any Deviation of a Line of Railway or a navigable Canal already sanctioned, the Works for which such Subscription is to be made being unfinished, or in any additional Capital to be raised for the Completion of any such Railway, Canal, Branch, Extension, or Deviation, the same being upon or near to and which will improve or benefit the Lands of such Landowner, and who shall be desirous that such Amount, or any part thereof, may be charged upon the Lands so to be improved, it shall be lawful for him to apply to the Commissioners for that Purpose within the Time limited by the Railway or Canal Company's Act or Acts for the Construction of the Works in question.

Commissioners Proceedings on Application.

LXXIX. If the Commissioner shall think fit to entertain such Application, they shall cause all such Inquiries to be made, and take all such other Steps, as shall seem to them expedient for obtaining Information as to the Circumstances; and all the Provisions of the Thirteenth, Fourteenth, Fifteenth, Seventeenth, Eighteenth, Twentieth, Twenty-first, Twenty-second, Twenty-third, Twenty-fifth, and Fifty-first Sections of this Act shall apply to the Case as though an Improvement were to be made of the Lands proposed to be charged.

Provisional Order sanctioning Charge.

LXXX. If the Commissioners shall be satisfied that the Railway or Canal, when constructed and open for Traffic, will effect a permanent Increase of the yearly Value of the Lands exceeding the yearly Amount proposed to be charged thereon, they shall execute and deliver to the Landowner a Provisional Order, under their Seal and the Hands of Two of them, expressing their Sanction of the Charge proposed; and such Order shall be made as near to the Form set forth in the Schedule (A.) to this Act as the Circumstances will permit, and shall, with the Right to a Charge thereby created, be assignable by Endorsement, either absolutely or by way of Security, to any Company or Person that may agree to advance, by paying the same

same to the Railway or Canal Company, the Amount authorized to be charged, and Notice of such Assignment shall be given to the Commissioners, and shall be registered by them.

Companies empowered to lend.

LXXXI. Every Company empowered by Act of Parliament to lend Money for the Improvement of Land is hereby empowered to advance, by paying the same to the Railway or Canal Company, any Money authorized to be charged in manner aforesaid.

Commissioners Absolute Order and its Conditions.

LXXXII. When the Railway or Canal shall have been completed and opened throughout for public Traffic, and as many Shares in the Capital of the Railway or Canal Company subscribed for or held as aforesaid by the Landowner as shall be equal in nominal Amount to the Money authorized to be charged shall have been fully paid up, and the Certificates for such Shares shall have been deposited by the Landowner with the Commissioners, the Commissioners shall, by an Absolute Order under their Hands and Seal, execute to the Landowner or his Assignees a Charge upon the Inheritance or Fee of the Lands in question of the Amount authorized as aforesaid to be charged, and may, if the Landowner shall so desire, include, with the Principal Money so charged, the Costs, Charges, and Expenses of the Application and Orders, and of any Advance which may have been made to him of the Amount authorized to be charged, and such settled or taxed Costs and Interest as mentioned in the Fiftieth Section hereof, subject nevertheless to the Proviso in the same Section contained.

Form and Effect of Absolute Order.

LXXXIII. Such Absolute Order shall be made in the Form in the Schedule (B.) to this Act annexed, or as near thereto as the Circumstances will permit, and all the Provisions of this Act relating to Absolute Orders, whether in respect of the Form or Effect of such Charges or Orders or otherwise, except only the Provisions for the Apportionment and Release of such Charges, shall apply to Absolute Orders under the last preceding Section as far as the Circumstances admit.

Notice thereof to be entered in Register of Shareholders.

LXXXIV. The Landowner shall forthwith give Notice to the Railway or Canal Company of the Execution of such Absolute Order, and of the Deposit of such Certificates with the Commissioners, and thereupon the Company shall make an Entry or Memorial in their Register of Shareholders with respect to such Shares of the Fact of such Absolute Order having been executed.

Person liable to pay Charge to be entitled for the Time being to the Shares,

LXXXV. From the Time of such Notice, and during the whole Term of the Charge created by such Absolute Order, the Person who for the Time being shall be bound to make the periodical Payments of such Charge shall be entitled to the said Shares, and if the same shall not at the Time being be registered in

in his Name, the Person registered as the Holder thereof shall, as between himself and the Person so entitled, hold them in trust for such last-mentioned Person.

and to have them stand in his own Name.

LXXXVI. The Person so for the Time being entitled may at any Time require the Person registered as the Holder of the said Shares, or his Representatives, to transfer to him the said Shares, and such Transfer shall thereupon be made accordingly, but at the Expense in all respects of the Transferee; and upon the Production of such Transfer duly stamped, and of a Certificate by the Commissioners under their Hands and Seal that the Transferee is the Person at the Time being bound to make the periodical Payments of the said Charge, the Railway or Canal Company shall register such Transfer.

Rights and Duties of Persons registered for the Time being in respect of the Shares.

LXXXVII. With the Exception of such Transfers as may from Time to Time be made for the Purpose of transferring the Shares to the Person so for the Time being entitled thereto, the said Shares shall not under any Circumstances be transferred or disposed of by the registered Holder, whether he be the Person for the Time being entitled thereto or not, during the Term of the said Charge; but during the Term of such Charge the registered Holder for the Time being of the said Shares shall have all the other Rights and Powers of a Shareholder in the Railway or Canal Company in respect of the said Shares; and the Railway or Canal Company shall not be bound to see to the Application of any Dividend received by such registered Holder, but as between himself and the Person or Persons for the Time being entitled to such Shares he shall hold any Dividend which may be received by him in trust for the Person who, at the Time when such Dividend became payable, was the Person entitled to the said Shares.

Entire Shares to belong to Parties in proportion to their Payments, and to be released to them from Time to Time.

LXXXVIII. Whenever any Person or those whom he legally represents as their Executor or Administrator shall have been bound to make, and shall have made, such and so many periodical Payments of the Charge as to repay thereby Principal Money which, in proportion to the whole Amount of Principal Money charged and the whole Number of the said Shares, shall correspond to any integral Number of Shares, with or without a Fraction over, it shall be lawful for the Commissioners, on the Application of such Person, made either during the Term of the Charge or within Two Years after its Expiration, to certify that Fact under their Hands and Seal, and by the same Certificate to appropriate to such Person certain specified Shares to such integral Number, and to deliver to him the corresponding Share Certificates; and upon the Production to the Railway or Canal Company of such Certificate by the Commissioners and Share Certificates, it shall be lawful

lawful for such Person, if he shall not already be the registered Holder, to require such Shares to be transferred to him, and the Railway or Canal Company shall make an Entry or Memorial on their Register of Shareholders of such Shares being freed from the Provisions of this Act, or of the Term of the Charge having expired, as the Case may be, and such Shares shall thenceforward be held and transferred in the same Manner as any other Shares in the same Company, but if the Term of the Charge shall not have expired the Three last preceding Sections of this Act shall still apply to the Residue of the Shares to which the same Charge shall relate.

Shares not claimed within Two Years from Expiration of Term to belong to Person bound to make last Payment of Charge.

LXXXIX. The Shares composing the said Residue shall at the End of Two Years after the Expiration of the Term of the Charge belong to the Person who shall have been bound to make the last periodical Payment of the Charge, or to his Executors or Administrators on such Payment being made; and the Commissioners shall deliver to him or them the corresponding Share Certificates, and certify the Title to the Shares under their Hands and Seal in accordance with the above Provision; and upon the Production to the Railway or Canal Company of the Share Certificates and such Certificate by the Commissioners, such Person as aforesaid, or his Executors or Administrators, shall have the said Shares transferred to him or them, so far as he or they shall not be already the registered Holder or Holders thereof; and the Railway or Canal Company shall make an Entry or Memorial on their Register of Shareholders of the Term of the Charge having expired, and thenceforward the said Shares shall be held and transferred in the same Manner as any other Shares in the same Company.

Inclosure Commissioners to cause a Table of Fees to be prepared and submitted to Treasury for Approval.

XC. And whereas it is expedient that a Table or Tables of Fees proper to be taken by the Inclosure Commissioners in respect of Documents issuing out of their Office by virtue of the Provisions of this Act should be prepared: Be it enacted, That it shall and may be lawful for the said Inclosure Commissioners to prepare or cause to be prepared a Table or Tables of Fees, specifying what Fees are proper to be demanded and taken in the Office of the said Inclosure Commissioners in respect of any Forms, Orders, or Documents prepared in or issued from such Office by virtue of the Provisions of this Act; and such Table or Tables shall be laid before the Commissioners of Her Majesty's Treasury, who shall have Power to revise and settle the same, and from Time to Time to alter or amend the same, as they may deem necessary and proper, and the said Table or Tables of Fees, so revised, settled, altered, or amended, from Time to Time to approve and allow; and the

the said Inclosure Commissioners are required, so soon and as often as each Table or Tables of Fees shall have been approved and allowed, to cause the same to be inserted and published in the *London Gazette*, and from and after such Publication, such Fees may be legally demanded, and may be received and recovered, by any Person appointed by the said Inclosure Commissioners to receive or recover the same.

Officers to render Account of Fees received to the Treasury.

XCI. The said Inclosure Commissioners shall cause the Fees received by them under the Authority of this Act to be duly and regularly entered in One or more Books to be kept for that Purpose, distinguishing the Fees received under their several Heads, and shall render a true and faithful Account thereof to the Commissioners of Her Majesty's Treasury at such Times, and in such Form of Account, and with such Particulars of Receipt or otherwise, and accompanied by such Vouchers, as the said Commissioners of Her Majesty's Treasury shall from Time to Time require; and the said Inclosure Commissioners shall from Time to Time, when required so to do by the said Commissioners of Her Majesty's Treasury, cause the Amount of such Fees to be paid into the Receipt of the Exchequer to the Credit of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

To be paid over to the Consolidated Fund.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Provisional Order.

(*Proper Heading.*)

The Inclosure Commissioners for England and Wales, in pursuance of "The Improvement of Land Act, 1864," do, by this Order under their Hands and Seal, sanction the proposed Improvements expressed

upon the Terms and Conditions that such Improvements be executed in the Manner mentioned or specified in the said Contract, and at an Expense not exceeding the Sum of

and do hereby declare and provisionally order that it is right and proper, and for the Benefit of the Parties interested in the Lands mentioned in the Schedule hereto, that

that the Inheritance or Fee of such Lands should be charged with the said Sum of
together with the Costs, Charges, and Expenses preparatory or in relation to and consequent on the said Contract and the Application for this Order, and that the same should, to the whole Amount of such respective Monies [*or* should, to any Amount not exceeding
as the case may be,] be charged in the Manner following; (that is to say,) [*here express how the Amount is to be repaid, with Interest.*]

In witness whereof they have hereunto affixed their Hands and Seal, this Day of in the Year of our Lord One thousand eight hundred and

SCHEDULE of Lands provisionally charged.

Name, &c. of Lands.	Land-owner.	Occupier.	Parish.	County.	Total Acreage.	Total Rental.

SCHEDULE (B.)

The Improvement of Land Act, 1864.

County of
Parish of
No.

Absolute Order.

[*Here insert Name of Landowner*] of [*here insert Address*]
Loan of Pounds for the Improvement
of in the Parish of in the
County of

The Inclosure Commissioners for England and Wales, in pursuance of "The Improvement of Land Act, 1864," do, by this Absolute Order under their Hands and Seal, charge the Inheritance or Fee of the Lands mentioned in the Schedule hereto with the Payment to
of the yearly Sum of Pounds
Shillings and pence, payable
half-yearly on the Day of and
the Day of in every Year,
for the Term of Years, and being a proportionate Repayment, according to the Table annexed, of the Capital Sum of Pounds,
with Interest at per Cent. per Annum,
the first half-yearly Payment to be made on the
Day of
Dated this Day of 18

SCHEDULE of Lands charged.

Name, &c. of Lands.	Land-owner.	Occupier.	Parish.	County.	Total Acreage.

TABLE.

Half-yearly Payments.	Proportionate Repayments of the Loan.	Interest at £ per Cent. per Annum.

SCHE-

SCHEDULE (C.)

Assignment of a Charge.

(*Proper Heading.*)

I, *A. B., &c.*, in pursuance of "The Improvement of Land Act, 1864," hereby, in consideration of [*state the consideration*], assign to *C. D.* of, *&c.*, his Executors, Administrators, and Assigns, the Charge of the Sum of £ and Interest at the Rate of, *&c.* [*or* the Charge of, *&c., as the case may be*], which by virtue of the Absolute Order, No. [ ], executed by the Inclosure Commissioners for England and Wales, and dated, *&c.*, is an absolute Charge on the Inheritance of the Lands mentioned in the Schedule hereto, and all the Powers, Authorities, Rights, and Remedies of with reference to such Charge. [*Here add such Clauses and Provisions, if any, as are agreed on between the Parties.*]

As witness, *&c.*, this Day of .

(L. S.)

SCHEDULE of the Lands charged.

Name, &c. of Lands.	Landowner.	Occupier.	Parish.	County.

SCHEDULE (D.)

Form of Order for apportioning Charges.

The Improvement of Land Act, 1864.

County of

Parish of

Whereas, by an Absolute Order under this Act, dated the Day of and numbered the Lands mentioned in the First and Second Schedules hereto were charged with the Payment to of

of the yearly Sum of payable half-yearly for the Term of years:

And whereas, upon Application made to them, the Inclosure Commissioners for England and Wales see fit to apportion the said Charge:

Now therefore the said Inclosure Commissioners, in pursuance of "The Improvement of Land Act, 1864," do, by this Order under their Hands and Seal, charge the Inheritance or Fee of the Lands mentioned in the First Schedule hereto with the Payment to of the yearly Sum of Pounds Shillings and pence, payable half-yearly on the Day of and the Day of in every Year, for the Term of Years, being a proportionate Repayment, according to the Table to the same Schedule annexed, of the Capital Sum of Pounds, with Interest at per Cent. per Annum, the first half-yearly Payment to be made on the Day of ; and do also charge the Inheritance or Fee of the Lands mentioned in the Second Schedule hereto with the Payment to of the yearly Sum of Pounds Shillings and pence, payable half-yearly on the Day of in every Year, for the Term of Years, being a proportionate Repayment, according to the Table to the same Schedule annexed, of the Capital Sum of Pounds, with Interest at per Cent. per Annum, the first half-yearly Payment to be made on the Day of ; and do further release and exempt the said Lands respectively from the respective Residues of the said Charge created by the above-mentioned Absolute Order.

Dated this Day of

FIRST SCHEDULE.

Name, &c. of Lands.	Landowner.	Occupier.	Parish.	County.	Total Acreage.

TABLE.

TABLE.

Half-yearly Payments.	Proportionate Repayments of the Loan.	Interest at per Cent. per Annum.

SECOND SCHEDULE.

Name, &c. of Lands.	Landowner.	Occupier.	Parish.	County.	Total Acreage.

TABLE.

Half-yearly Payments.	Proportionate Repayment of the Loan.	Interest at per Cent. per Annum.

SCHE-

SCHEDULE (E.)

Form of Order for exempting Lands.

The Improvement of Land Act, 1864.

County of

Parish of

Whereas, by an Absolute Order under this Act, dated the Day of and numbered the Lands mentioned in the First and Second Schedules hereto were charged with the Payment to of the yearly Sum of payable half-yearly for the Term of Years:

And whereas, upon Application made to them, the Inclosure Commissioners for England and Wales see fit to release and exempt from such Charge such of the said Lands as are particularized in the First Schedule hereto:

Now therefore the said Inclosure Commissioners, in pursuance of "The Improvement of Lands Act, 1864," do, by this Order under their Hands and Seal, release and exempt the said Lands mentioned in the First Schedule hereto from the Charge created by the above-mentioned Absolute Order, and from all liability thereto, and do hereby declare that the said Charge applies to and continues in force as to the Lands particularized in the Second Schedule hereto only.

Dated this Day of

SCHEDULE I. (Lands Exempted.)

Name, &c. of Lands.	Landowner.	Occupier.	Parish.	County.	Total Acreage.

SCHE-

SCHEDULE II. (Lands still subject to Rentcharge).

Name, &c. of Lands.	Landowner.	Occupier.	Parish.	County.	Total Acreage.

SCHEDULE (F.)

Vesting Order.

The Inclosure Commissioners for England and Wales, in pursuance of "The Improvement of Land Act, 1864," do, by this Order under their Hands and Seal, in consideration of £ to them paid by *A. B.* of transfer to and vest in the said *A. B.*, his Executors, Administrators, and Assigns, Shares of and in the Railway or Canal Company, numbered and now registered in the name of *C. D.*

In witness whereof they have hereunto affixed their Hands and Seal, this Day of in the Year One thousand eight hundred and

CAP. CXV.

An Act to prohibit the placing of poisoned Flesh and poisonous Matters in Plantations, Fields, and open Places, and to extend "The Poisoned Grain Prohibition Act, 1863."—[29*th* July 1864.]

WHEREAS it is expedient to extend the Provisions of an Act passed in the Session of Parliament held in the Twenty-sixth and Twenty-seventh Years of the Reign of Her

Her present Majesty, intituled *An Act to prohibit the Sale and Use of Poisoned Grain or Seed:* Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Short Title.

I. This Act may be cited for all Purposes as "The Poisoned Flesh Prohibition Act, 1864."

Penalty for placing poisoned Flesh in Fields, &c.

II. Every Person who shall knowingly and wilfully set, lay, put, or place, or cause to be set, laid, put, or placed, in or upon any Land any Flesh or Meat which has been mixed with or steeped in or impregnated with Poison or any poisonous Ingredient so as to render such Flesh or Meat poisonous and calculated to destroy Life, shall, upon a summary Conviction thereof, forfeit any Sum not exceeding Ten Pounds, to be recovered in the Manner provided by The Poisoned Grain Prohibition Act, 1863: Provided always, that nothing herein contained shall prevent Owners or Occupiers of Land in *Ireland* from laying or causing to be laid any poisonous Matter as herein-before described, after a Notice has been posted in a conspicuous Place, and Notice in Writing has been given to the nearest Constabulary Station.

Not to apply to Occupier placing poisoned Preparations for Destruction of Vermin.

III. Nothing in this Act shall make it unlawful for the Occupier of any Dwelling House or other Building, or the Owner of any Rick or Stack of Wheat, Barley, Oats, Beans, Peas, Tares, Seeds, or of any cultivated Vegetable Produce, to put or place or cause to be put or placed in any such Dwelling House or other Building, or in any enclosed Garden attached to such Dwelling House, or in the Drains connected with any such Dwelling House, provided that such Drains are so protected with Gratings or otherwise as to prevent any Dog from entering the same, or within such Rick or Stack, any Poison or poisonous Ingredient or Preparation for the Destruction of Rats, Mice, or other small Vermin.

As to Application of Act.

IV. This Act shall not apply to any Grain, Seed, or Meal within the Provisions of The Poisoned Grain Prohibition Act, 1863, and the Provisions of the Fifth Section of the said Poisoned Grain Prohibition Act, 1863, shall apply to any Proceedings instituted under this Act, and shall come into operation on the First *October* One thousand eight hundred and sixty-four.

CAP. CXVI.

An Act to make Provision for distributing the Charge of Relief of certain Classes of poor Persons over the whole of the Metropolis.—[29*th* July 1864.]

CAP. CXVII.

An Act to render permissive the Use of the Metric System of Weights and Measures.—[29*th* July 1864.]

WHEREAS, for the Promotion and Extension of our internal as well as our foreign Trade, and for the Advancement of Science, it is expedient to legalize the Use of the Metric System of Weights and Measures: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited as the "Metric Weights and Measures Act, 1864."

Contracts may be made in Terms of the Metric System.

II. Notwithstanding anything contained in any Act of Parliament to the contrary, no Contract or Dealing shall be deemed to be invalid or open to Objection on the Ground that the Weights or Measures expressed or referred to in such Contract or Dealing are Weights or Measures of the Metric System, or on the Ground that Decimal Subdivisions of legal Weights and Measures, whether Metric or otherwise, are used in such Contract or Dealing.

Equivalents of Metric Weights and Measures in Terms of Weights and Measures.

III. The Table in the Schedule hereto annexed shall be deemed to set forth, in Terms of the Weights and Measures in force in this Country, the Equivalents of the Weights and Measures therein expressed in Terms of the Metric System, and such Table may be lawfully used for computing, determining, and expressing, in Weights and Measures, Weights and Measures of the Metric System.

SCHEDULE to which this Act refers.

SCHEDULE of TABLES of the Values of the principal Denominations of Measures and Weights on the Metric System expressed by means of the legalized Denominations of Measures and Weights in Great Britain and Ireland.

MEASURES OF LENGTH.

Metric Denominations and Values.		Equivalents in British Denominations.			
	Metres.	Miles.	Yards.	Feet.	In. Decimals.
Myriametre . .	10,000	6 or	376 10,936	0 0	11·9 11·9
Kilometre . .	1000		1093	1	10·79
Hectometre . .	100		109	1	1·079
Dekametre . .	10		10	2	9·7079
Metre . . .	1		1	0	3·3708
Decimetre . .	$\frac{1}{10}$				3·9371
Centimetre . .	$\frac{1}{100}$				0·3937
Millimetre . .	$\frac{1}{1000}$				0·0394

MEASURES OF SURFACE.

Metric Denominations and Values.		Equivalents in British Denominations.		
	Square Metres.	Acres.	Sq. Yards.	Decimals.
Hectare, i.e. 100 Ares	10,000	2 or	2280·3326 11,960·3326	
Dekare, i.e. 10 Ares	1,000		1196·0333	
Are . . .	100		119·6033	
Centiare, i.e. $\frac{1}{100}$ Are	1		1·1960	

MEASURES OF CAPACITY.

Metric Denominations and Values.		Equivalents in British Denominations.					
——	Cubic Metres.	Qrs.	Bushels.	Pecks.	Galls.	Quarts.	Pts. Decimals.
Kilolitre, i.e. 1000 Litres	1	3	3	2	0	0	0·77
Hectolitre, i.e. 100 Litres	$\frac{1}{10}$		2	3	0	0	0·077
Dekalitre, i.e. 10 Litres .	$\frac{1}{100}$			1	0	0	1·6077
Litre	$\frac{1}{1000}$						1·76077
Decilitre, i.e. $\frac{1}{10}$ Litre .	$\frac{1}{10000}$						0·176077
Centilitre, i.e. $\frac{1}{100}$ Litre	$\frac{1}{100000}$						0·0176077

WEIGHTS.

Metric Denominations and Values.		Equivalents in British Denominations.					
——	Grams.	Cwts.	Stones.	Pounds.	Ounces.	Drams.	Decimals.
Millier . . .	1,000,000	19	5	6	9		15·04
Quintal . . .	100,000	1	7	10	7		6·304
Myriagram . .	10,000		1	8	0		11·8304
Kilogram . .	1,000			2	3		4·3830
		(or 15432·3487 grains)					
Hectogram . .	100					3	8·4383
Dekagram . .	10						5·6438
Gram . . .	1						0·56438
Decigram . .	$\frac{1}{10}$						0·056438
Centigram . .	$\frac{1}{100}$						0·0056438
Milligram . .	$\frac{1}{1000}$						0·00056438

CAP. CXVIII.

An Act to amend the Acts relating to Salmon Fisheries in Scotland.—[29*th* July 1864.]

WHEREAS an Act was passed in the Twenty-fifth and Twenty-sixth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to regulate and amend the Law respecting the Salmon Fisheries of* Scotland; and another Act was passed in the Twenty-sixth and Twenty-seventh Years of the Reign of Her Majesty Queen *Victoria*, intituled *An* 25 & 26 Vict. c. 97.

26 & 27 Vict. c. 50.

An Act to continue the Powers of the Commissioners under the Salmon Fisheries (Scotland) *Act until the First Day of* January *One thousand eight hundred and sixty-five, and to amend the said Act:* And whereas by the first-recited Act Provision was made for determining by Byelaws certain Matters on or before the First Day of *January* One thousand eight hundred and sixty-three, and certain other Matters on or before the First Day of *January* One thousand eight hundred and sixty-four, and for reporting the same to the Secretary of State; and by the second-recited Act the Time for determining and reporting on certain of such Matters was continued till the First Day of *January* One thousand eight hundred and sixty-five; and it is expedient that the Times so limited should be extended, and that the said Two recited Acts should be amended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Time for making certain Byelaws extended.

I. The said Commissioners shall and may, on or before the First Day of *January* One thousand eight hundred and sixty-six, determine the Matters specified and referred to in the Sixth, Fifteenth, and Sixteenth Sections of the first-recited Act, and the First Section of the second-recited Act, respectively, by Byelaws under their Hands or the Hands of any Two of them, in Manner prescribed by the first-recited Act, and the whole Enactments and Provisions of the first-recited Act with respect to the Transmission, Publication, and Confirmation of Byelaws shall be applicable to the Byelaws to be made by the said Commissioners during the Period above specified.

Power to Secretary of State to confirm Byelaws.

II. It shall be lawful for the Home Secretary to confirm any Byelaws made under the Provisions of the recited Acts, notwithstanding the Period therein prescribed for such Confirmation may have elapsed at any Period prior to the First Day of *January* One thousand eight hundred and sixty-five.

In Cases where District Boards have not been constituted Commissioners, on Requisition, may re-issue a Byelaw.

III. In any Case where a District Board has not been constituted, under the Provisions of the first-recited Act, previous to the passing of this Act, the Commissioners may, on the Requisition of any Proprietor of Salmon Fisheries within such District, re-issue a Byelaw constituting the District; and the Commissioners, Sheriff, and Sheriff Clerk shall thereupon take all the Proceedings prescribed by the first-recited Act with respect to the Formation of District Boards; and such Boards, when so formed, shall have all the Powers and Authorities conferred on or competent to any District Board under the recited Acts or either of them.

IV. And

IV. And whereas by the Sixteenth Section of the first-recited Act it is provided, that, previously to making Byelaws, the Commissioners shall communicate the same to the District Board, and afford the Board reasonable Opportunity of making any Representation to the Commissioners regarding the same: Be it enacted, That the Commissioners may, in all Cases in which no District Board has been formed, make Byelaws in regard to the whole Matters and Things specified and referred to in the Sixth and Sixteenth Sections of the first-recited Act; and, on Compliance with the whole other Provisions of the said Sixteenth Section, the Secretary of State may approve, alter, or disapprove of such Byelaws, and the same, as altered or approved of by him, shall be as legal and binding on all concerned as if they had been previously communicated to a District Board. Provision where no District Board has been formed.

V. This Act shall be read and construed along with the recited Acts as if the same formed One Act. This and recited Acts to be One.

CAP. CXIX.

An Act to make Provision for the Discipline of the Navy.—[29*th* July 1864.]

CAP. CXX.

An Act to facilitate in certain Cases the obtaining of further Powers by Railway Companies.—[29*th* July 1864.]

WHEREAS it is expedient that in certain Cases Railway Companies be enabled to obtain further Powers on complying with the Conditions of a General Act of Parliament, without being obliged to procure in each Case a Special Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

I. This Act may be cited as The Railway Companies' Powers Act, 1864. Short Title.

II. In

Interpretation of Terms.

II. In this Act—

The Term "Railway" includes Works connected with or for the Purposes of a Railway, and also a Railway authorized to be but not actually constructed:

The Term "Railway Bill" means a Bill pending in or intended to be introduced into either House of Parliament, having for its Object or One of its Objects to authorize the making of a Railway:

The Term "the Companies Clauses Acts" means, so far as the Enactment in which that Term is used relates to *England* or *Ireland*, or to a Certificate to be operative in *England* or *Ireland*, The Companies Clauses Consolidation Act, 1845; and, so far as the same relates to *Scotland*, or to a Certificate to be operative in *Scotland*, The Companies Clauses Consolidation (*Scotland*) Act, 1845; together with in each Case The Companies Clauses Act, 1863:

The Term "the Board of Trade" means the Lords of the Committee for the Time being of Her Majesty's Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations.

Description of Cases within this Act.

Act to apply in Cases therein named.

III. This Act shall take effect and apply in each of the Cases following; namely,

1.—Where a Railway Company are desirous that Authority should be given to themselves and some other Railway Company or Companies to enter into an Agreement with respect to all or any of the Matters following; namely,

The Maintenance and Management of the Railways of the Companies respectively, or of any One or more of them, or of any Part thereof respectively;

The Use and Working of the Railways or Railway, or of any Part thereof, and the Conveyance of Traffic thereon;

The fixing, collecting, and Apportionment of the Tolls, Rates, Charges, Receipts, and Revenues levied, taken, or arising in respect of Traffic;

The joint Ownership, Maintenance, Management, and Use of a Station or other Work; or the separate Ownership, Maintenance, Management, and Use of several Parts of a Station or other Work:

2.—Where a Railway Company are desirous of obtaining an Extension of the Time limited for the Sale by them of superfluous Lands:

3.—Where

3.—Where a Railway Company incorporated by Special Act or by Certificate under The Railways Construction Facilities Act, 1864, are desirous of obtaining Authority to raise additional Capital.

Application for Certificate.

As to Application for Certificate by Company to Board of Trade.

IV. In any such Case the Company, if desirous to obtain a Certificate under this Act, shall proceed as follows; namely,

(1.) They shall apply to the Board of Trade for a Certificate under this Act:

(2.) They shall lodge at the Office of the Board of Trade a Draft of the Certificate as proposed by them:

(3.) They shall publish Notice of the Application according to the General Rules under this Act.

Said Board to inquire if Requirements have been complied with;

V. As soon as conveniently may be after the Time for Completion of the required Notice, the Board of Trade shall proceed to inquire whether the Company have complied with the Requirements of the General Rules respecting Notice.

and to consider all Representations and Objections.

VI. The Board of Trade, before settling a Draft of a Certificate, shall take into consideration any Representation made to them, and shall duly inquire into the Merits of any Objection brought before them, respecting the Application.

Opposition of Railway or Canal Company to Application.

On Railway or Canal Company affected giving Notice of Opposition Proceedings before Board of Trade to cease.

VII. If in any Case any Railway or Canal Company desire to be heard by Counsel, Agents, and Witnesses against the Application of the Promoters, and (within such Time as is prescribed by General Rules under this Act) lodge at the Office of the Board of Trade a Notice in Writing to that Effect (herein-after referred to as a Notice of Opposition) in the Form set forth in the Schedule to this Act (with such Variations as Circumstances require), in that Case the Board of Trade, if the Railway or Canal Company lodging the Notice would be affected in any way by the proposed Certificate, shall not proceed on the Application of the Promoters.

Further Proceedings to be in Parliament.

VIII. Where the Board of Trade do not proceed on the Application they shall, not later in any Year than the Fifteenth Day of *February*, if Parliament is then sitting, and if not, then within Seven Days after the next Meeting of Parliament, lay before both Houses of Parliament a Copy of the Draft Certificate lodged by the Promoters and of the Notice of Opposition; and the Promoters shall be at liberty to seek by way of Bill in the same Session, in such Manner and on such Conditions as the Houses of Parliament respectively by Standing Order or otherwise from Time to Time direct, such Powers as were sought by them by way of Certificate.

Settlement

Settlement of Draft Certificate.

Power to Board of Trade to settle Certificate according to Nature of Application as hereinnamed.

IX. Where the Board of Trade proceed on the Application, then, on being satisfied that the Company have complied with the Requirements of the General Rules respecting Notice, they may, if they think fit, settle a Draft of a Certificate, certifying to the Effect following; namely,

In the first-mentioned Case, that the Companies in the Certificate specified are authorized to agree among themselves with respect to all or any of the Matters aforesaid in the Certificate specified;

In the secondly-mentioned Case, that the Time limited for the Sale by the Company of superfluous Lands is extended as in the Certificate specified;

In the thirdly-mentioned Case, that the Company are authorized to raise, as Capital, for the Purposes of the Certificate, such additional Sum of Money as therein limited, by the Issue of new Shares or new Stock, either Ordinary or Preference, or partly Ordinary and partly Preference, or partly in that Mode and partly by borrowing on Mortgage, at the Option of the Company, or as may be prescribed in the Certificate, and with Power to create and issue Debenture Stock.

Insertion of Conditions in Certificate.

X. The Board of Trade may (subject to the Provisions of this Act, and having regard to the Provisions of any Special Act relating to any Company empowered by a Certificate,) insert in the Certificate such Provisions as they, according to the Circumstances of the Case, deem necessary or proper for better effectuating the Purposes of the Certificate, and the same shall be deemed to all Intents Part of the Certificate.

Form of Certificate.

XI. The Certificate may be in the Form set forth in the Schedule to this Act, with such Provisions as aforesaid.

Submission of Draft Certificate to Houses of Parliament.

Draft Certificate to be laid before Houses of Parliament.

XII. The Board of Trade shall lay the Draft Certificate settled by them before both Houses of Parliament within Seven Days after the same is settled, if Parliament is then sitting, or if not, then within Seven Days after the next Meeting of Parliament, but not later in any Year than the First Day of *June*.

Notice thereof to be given.

XIII. On the Draft Certificate being settled the Promoters shall give Notice thereof according to General Rules under this Act.

If either House resolve that

XIV. If either House of Parliament within Six Weeks after the Draft of a Certificate settled by the Board of Trade is laid before

before that House resolves that the Certificate ought not to be made, the same shall not be further proceeded with.

Certificate ought not to be made, it shall not be proceeded with.

Issue and Publication of Certificate.

XV. If neither House of Parliament within the Period aforesaid thinks fit to resolve that the Certificate ought not to be made, then as soon as the Period of Six Weeks after the laying of the Draft Certificate before both Houses of Parliament has expired the Board of Trade may make and issue a Certificate in conformity with such Draft.

If neither House resolve that Certificate ought not to be made, Board of Trade may issue the same.

XVI. The Certificate shall be published as follows; namely,

Where One Company only is thereby empowered, then in the *London, Edinburgh,* or *Dublin* Gazette, according as the Head Office of the Company is situate in *England, Scotland,* or *Ireland:*

Where Two or more Companies are thereby empowered, then in One or more of the Gazettes, according as the several Head Offices of the Companies respectively are situate in *England, Scotland,* and *Ireland* respectively.

Publication of Certificate in Gazette.

Effect of Certificate.

XVII. As from the Time (not being prior to such Publication) in the Certificate prescribed, and if none is prescribed then as from the Time of such Publication, the Certificate shall have the same Force and Operation, and shall be as absolutely valid and conclusive to all Intents, as if the Contents thereof (taken in conjunction with this Act) had been expressly enacted by Parliament; and the Validity of the Certificate shall not be impeached on account of any alleged Informality in any Court or elsewhere.

Operation of Certificate as Special Act.

XVIII. The Certificate shall be judicially noticed without being specially pleaded.

Judicial Notice of Certificate.

XIX. Terms used in the Certificate shall have the same Meanings as they have when used in this Act.

Interpretation of Certificate.

XX. There shall be incorporated with the Certificate (which shall for this Purpose be deemed the Special Act)—

In the first-mentioned Case, Part III. of the Railways Clauses Act, 1863;

In the thirdly-mentioned Case, the Companies Clauses Acts.

Parts of 26 & 27 Vict. cc. 92. & 118. incorporated.

XXI. In the first-mentioned Case, during the Continuance of any Agreement for the joint working of any Two Railways, in the Calculation of Tolls and Charges for short Distances in respect of Traffic conveyed on both Railways, the Distances traversed shall be reckoned continuously on such Railways as if they were One Railway.

Rule as to Short Distances.

XXII. It shall not be lawful for any Company empowered by

Restriction as to Issue of Shares.

by a Certificate under this Act to issue any Share created under the Authority of the Certificate, nor shall any such Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share is paid up in respect thereof.

Restrictions on Company as to borrowing, &c.

XXIII. In the thirdly-mentioned Case the Company, whether incorporated by Special Act or by Certificate, shall be subject to the following Restrictions; namely,

(1.) They shall not exercise any Power of borrowing Money under the Certificate until the whole of the Share Capital authorized by the Certificate is subscribed for or taken, and until One Half thereof is actually paid up, and until they prove to the Justice who is to certify under Section 40. of The Companies Clauses Consolidation Act, 1845, or (in *Scotland*) to the Sheriff who is to certify under Section 42. of The Companies Clauses Consolidation (*Scotland*) Act, 1845, as the Case may be, before he so certifies, that Shares for the whole of the Capital are issued and accepted, and that not less than One Fifth Part of the Amount of each separate Share has been paid up on account thereof before or at the Time of the Issue or Acceptance thereof, and that all such Shares are taken in good Faith, and are held by the Subscribers or their Assigns, those Subscribers or their Assigns being legally liable for the same (of which Matters the Certificate of the Justice or Sheriff shall be sufficient Evidence):

(2.) They shall not borrow a larger Sum in the whole than One Third of the Amount of the Share Capital authorized by the Certificate:

(3.) They shall not, out of Money raised under the Certificate by Calls or borrowing, pay Interest or Dividend to a Shareholder on the Amount of Calls made on his Shares, whether created under the Certificate or otherwise (but this Provision shall not prevent them paying to a Shareholder under the Certificate such Interest on Money advanced by him beyond the Amount of Calls actually made as is allowed by the Companies Clauses Acts):

(4.) They shall not, out of Money so raised, pay or deposit any Money that may be required to be paid or deposited in relation to any Application to Parliament or the Board of Trade:

(5.) They shall apply every Part of the Money so raised only for the Purposes for which it is by the Certificate authorized to be applied.

Miscellaneous.

Miscellaneous.

Power to Board of Trade to reject Application.

XXIV. Nothing in this Act shall make it obligatory on the Board of Trade to settle a Draft of a Certificate in any Case if it appears to the Board of Trade for any Reason that the Application for a Certificate should not be complied with.

Nothing to exempt Railways from Operation of General Acts.

XXV. Nothing in the Certificate shall exempt any Railway to which it relates, or the Company to whom that Railway belongs, from the Provisions of any General Act of Parliament relating to Railways, or to the better Audit of the Accounts of Railway Companies, passed before or after the issuing of the Certificate, or from any Revision and Alteration, under the Authority of Parliament, of the maximum Tolls and Charges allowed to be taken in respect of that Railway.

Certificate under this and Railways Construction Act.

XXVI. A Certificate may be made under this Act and The Railways Construction Facilities Act, 1864, jointly, and in any such Case the Forms of Certificate given in this Act and the said Act may be adapted to the Circumstances of the Case.

Approval by Members of Company required, as under Standing Orders.

XXVII. Where, in case the Company were proceeding by a Railway Bill instead of under this Act, the Approval of the Bill in any Manner by the Members of the Company would be required under the Standing Orders of either House of Parliament for the Time being in force, the Board of Trade shall not issue a Certificate without being satisfied that the Members of the Company have in like Manner approved of the Application to the Board of Trade.

Power for Board of Trade to amend or revoke Certificate.

XXVIII. Subject and according to the Restrictions and Provisions of this Act, the Board of Trade, on the Application of the Company, may from Time to Time amend, extend, or vary by Certificate any Certificate issued under this Act, and may by Certificate revoke a previous Certificate issued under this Act.

Power to correct Error.

XXIX. If in any Case it is made to appear to the Board of Trade that any Error has been committed in a Certificate or in relation thereto, the Board of Trade may, subject and according to the Restrictions and Provisions of this Act, on the Application of the Company, Body, or Person affected by the Error, and on Notice to the Company or Companies empowered by the Certificate, correct the Error by a further Certificate.

Proof of Certificate.

XXX. A Copy of the *London* or *Edinburgh* or *Dublin* Gazette containing a Certificate or a Copy of a Certificate, purporting to be printed by the Printers of the *London, Edinburgh,* or *Dublin* Gazette, shall be conclusive Evidence of the Certificate and of the due Publication thereof, without any Proof of the Gazette or without any Proof of the Copy having been in fact so printed, as the Case may be.

XXXI. Every Company empowered by a Certificate shall at

Copies of Certificate for Sale.

at all Times keep at their Head Office Copies of the Certificate printed by the Printers of the Gazette or One of the Gazettes in which the same was published in such Form as General Rules direct, to be sold to all Persons desiring to buy the same at a Price not exceeding One Shilling for each Copy.

If any Company fail to comply with this Provision they shall be liable to a Penalty not exceeding Twenty Pounds, and to a further Penalty not exceeding Five Pounds for every Day during which such Failure continues after the first Penalty is incurred.

Application of Act to Proprietors of Railways generally.

XXXII. The Provisions of this Act relative to the first-mentioned Case and to the secondly-mentioned Case respectively shall extend and apply, *mutatis mutandis*, to the Proprietors of a Railway although not incorporated as a Company.

Recovery and Application of Penalties.

XXXIII. Penalties under this Act or under a Certificate, the Recovery and Application whereof are not otherwise provided for, shall be recovered and applied as Penalties under The Railways Clauses Consolidation Act, 1845, and The Railways Clauses Consolidation (*Scotland*) Act, 1845, as the Case may require, are recoverable and applicable.

Custody of Documents. 7 W. 4. & 1 Vict. c. 83.

XXXIV. The Act of the Session of the Seventh Year of King *William* the Fourth and the First Year of Her Majesty (Chapter Eighty-three), "to compel Clerks of the Peace and "other Persons to take the Custody of such Documents as "shall be directed to be deposited with them under the "Standing Orders of either House of Parliament," shall apply to Documents required to be deposited by General Rules under this Act.

General Rules in Schedule, with Power for Amendment.

XXXV. The General Rules under this Act shall in the first instance be those set forth in the Schedule to this Act; and the Board of Trade may from Time to Time, for the better Execution of this Act, make General Rules adding to, altering, or revoking any General Rules for the Time being in force under this Act; but any General Rules so made by the Board of Trade shall not have effect unless and until they are laid before both Houses of Parliament; and if either House of Parliament, within Six Weeks after the same are laid before that House, thinks fit to resolve that the same or any Part thereof ought not to take effect, the same or that Part thereof (as the Case may be) shall not take effect; otherwise all Rules made by the Board of Trade under the present Section shall be of the same Force and Effect as if they had been comprised in the Schedule to this Act.

All General Rules which are to take effect under the present Section shall be published in the *London, Edinburgh,* and *Dublin* Gazettes.

XXXVI. Not

XXXVI. Not later than the First Day of *July* in each Year the Board of Trade shall lay before both Houses of Parliament a Report respecting the Applications to and Proceedings of the Board of Trade under this Act during the Year then last past. Annual Report to Parliament by Board of Trade.

The SCHEDULE referred to in the foregoing Act.

(i.)—*Notice of Opposition.*

In the Matter of
The Railway Companies' Powers Act, 1864,
and
The Application of the Railway Company for a Certificate the Draft whereof is intituled [*set out Title*].

We, the Railway [*or* Canal] Company, hereby declare and give Notice that we desire to be heard by Counsel, Agents, and Witnesses against the granting to the above-named Railway Company of the Powers sought to be obtained by them by the above-mentioned Application.

Dated this Day of 18 .

Witness, *A. B.*

(L. S.)

(ii.)—*Form of Certificate of Board of Trade.*

The Railway Company.
Certificate of the Board of Trade for the Extension of Time for Sale of superfluous Lands [*or as the Case may be*].

Whereas the Railway Company have complied with the Requirements of the Railway Companies' Powers Act, 1864:

Now, therefore, the Board of Trade do, by this their Certificate, in pursuance of the said Act, and by virtue and in exercise of the Powers thereby in them vested, and of every other Power enabling them in this Behalf, certify as follows:

[*Here are to follow the Provisions of the Certificate showing the Powers conferred and the Terms and Conditions (if any) imposed.*]

(Signed) *C. D.*
Secretary to the Board of Trade.

The Board of Trade,
Whitehall.
Dated this Day of

(iii.)—*General*

(iii.)—*General Rules.*

Form of Application.

1. The Application to the Board of Trade for a Certificate is to be made by a Memorial in Writing under the Common Seal of the Company, lodged at the Office of the Board of Trade.

2. Together with the Memorial the Company are to lodge a printed Draft of the Certificate as proposed by the Company.

Advertisements as to Application.

3. Notice of the Application to the Board of Trade is to be given by Advertisement published as follows; namely,

In every Case, once in each of Three successive Weeks in some One and the same Newspaper of the County, City, or Town, or County of a City or Town, wherein the Head Office of the Promoters is situate:

In the Case referred to in the foregoing Act as the first-mentioned Case, once in each of Three successive Weeks in some One and the same Newspaper of each County, City, or Town, or County of a City or Town, wherein the Head Office of any Railway Company with whom the Promoters propose to enter into an Agreement is situate:

If in any Case there is not any such Newspaper as herein-before described then in like Manner in a Newspaper of some adjoining or neighbouring County:

In every Case where One Company only is proposed to be empowered, then in the London, Edinburgh, or Dublin Gazette, according as the Head Office of the Company is situate in England, Scotland, or Ireland:

In every Case where Two or more Companies are proposed to be empowered, then in One or more of the Gazettes, according as the several Head Offices of the Company respectively are situate in England, Scotland, and Ireland respectively.

4. The Advertisements are to be published either in the Month of June or in the Month of November, and not at any other Time.

5. Each Advertisement is to give the Address of an Office in London where Copies of the Draft Certificate will be supplied as herein-after directed.

6. Each

6. Each Advertisement is to state that all Persons desirous of making to the Board of Trade any Representation, or of bringing before them any Objection, respecting the Application, may do so by Letter addressed to the Secretary of the Board of Trade on or before the First Day of August or First Day of January next succeeding the Date of the Advertisement, according as the same is published in the Month of June or in the Month of November.

7. Within One Week after the Publication of the latest Advertisement a Copy of each of the Newspapers and Gazettes containing the several Advertisements is to be lodged at the Office of the Board of Trade.

Notice to Landowners.

8. In the Case referred to in the foregoing Act as the secondly-mentioned Case the Promoters, in the Month of June or in the Month of November (as the Case may be) in which the Advertisements are published, are to serve Notice of the Application on the Owners of Lands adjoining to the Lands to which the Application relates.

Notice of Opposition.

9. Notice of Opposition by a Railway or Canal Company is to be lodged at the Office of the Board of Trade, not later than the First Day of August or First Day of January next succeeding the Date of the Advertisement of Application, according as the same is published in the Month of June or in the Month of November.

Notice of Settlement of Draft Certificate.

10. On the Draft Certificate being settled by the Board of Trade the Promoters are to serve a Copy thereof, with a Notice that the Draft has been settled by the Board of Trade, on every Company, Body, or Person by whom any Representation or Objection respecting the Application was made to or brought before the Board of Trade, and are also to give by Advertisement or otherwise such public or other Notice (if any) thereof as according to the Circumstances of the Case the Board of Trade direct.

Supply of Copies of Draft Certificate.

11. From the Time of the Publication of the first Advertisement the Promoters are to keep in the Office mentioned in this Behalf in the Advertisement a sufficient Number of Copies of

of the Draft of the Certificate as proposed by them, and are to furnish there Copies to all Persons applying for them at the Price of not more than Sixpence each.

12. From the Time of the Settlement of the Draft Certificate by the Board of Trade the Promoters are to keep in the Office aforesaid Copies of the Draft supplied to them for that Purpose by the Board of Trade, and are to furnish there Copies thereof to all Persons applying for them at such Price (if any) as the Board of Trade from Time to Time direct.

Printing of Certificate.

13. Copies of the Certificate printed by the Printers of a Gazette are to be printed on ordinary White Folio Paper, similar in size to the Paper on which the Public General Acts of Parliament are printed for public Sale.

CAP. CXXI.

An Act to facilitate in certain Cases the obtaining of Powers for the Construction of Railways.—[29*th* July 1864.]

WHEREAS it is expedient to facilitate the making of Branch and other Lines of Railway, and Deviations of existing Railways, and of Railways in course of Construction, and also the Execution of new Works connected with or for the Purposes of existing Railways:

And whereas the Object aforesaid would be promoted if, where all Landowners and other Parties beneficially interested are consenting to the making of a Railway or the Execution of a Work, the Persons desirous of making or executing the same were enabled to obtain Power to do so, on complying with the Conditions of a General Act of Parliament, without being obliged to procure a Special Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title.

I. This Act may be cited as the Railways Construction Facilities Act, 1864.

II. In

II. In this Act— Interpretation of Terms.

The Term "Lands" includes any Estate, Right, or Interest in Lands:

The Term "the Promoters" means in each Case the Company or Persons intending to apply to the Board of Trade for such a Certificate as is hereinafter provided for, and, after the Application is made, the Company or Persons actually making the Application, as the Case may require:

The Term "the Railway" means in each Case the Railway and Works intended by the Promoters before the issuing of the Certificate, and, after the issuing thereof, the Railway and Works therein comprised, as the Case may require:

The Term "the Lands Clauses Acts" means, so far as the Enactment in which that Term is used relates to *England*, or to a Certificate to be operative in *England*, The Lands Clauses Consolidation Act, 1845; and, so far as the same relates to *Scotland*, or to a Certificate to be operative in *Scotland*, The Lands Clauses Consolidation (*Scotland*) Act, 1845; together with, in each Case, The Lands Clauses Consolidation Acts Amendment Act, 1860; and so far as the same relates to *Ireland*, or to a Certificate to be operative in *Ireland*, The Railways Act (*Ireland*) 1851, together with Acts incorporated in or amending that Act:

The Term "the Companies Clauses Acts" means, so far as the Enactment in which that Term is used relates to *England* or *Ireland*, or to a Certificate to be operative in *England* or *Ireland*, the Companies Clauses Consolidation Act, 1845; and, so far as the same relates to *Scotland*, or to a Certificate to be operative in *Scotland*, The Companies Clauses Consolidation (*Scotland*) Act, 1845; together with, in each Case, The Companies Clauses Act, 1863:

The Term "the Railways Clauses Acts" means, so far as the Enactment in which that Term is used relates to *England* or *Ireland*, or to a Certificate to be operative in *England* or *Ireland*, The Railways Clauses Consolidation Act, 1845; and, so far as the same relates to *Scotland*, or to a Certificate to be operative in *Scotland*, The Railways Clauses Consolidation (*Scotland*) Act, 1845; together with, in each Case, The Railways Clauses Act, 1863:

The Term "Railway Bill" means a Bill pending in or intended to be introduced into either House of Parliament, having for its Object or one of its Objects to authorize the making of a Railway:

The Term "the Board of Trade" means the Lords of the Committee for the Time being of Her Majesty's Privy Council

Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations.

Contracts for Lands.

Power for Promoters of Railway and all Persons interested in Land to enter into Provisional Contracts for Land required.

III. Where Promoters of a Railway intend to apply, under this Act, for Authority to make the Railway, they and all Parties seised or possessed of or entitled to Lands required for the Railway shall, in order to the Purchase or taking and Sale of those Lands for the Railway, have all such Powers and Capacities as, in order to the Purchase or taking and Sale of Lands required for an Undertaking authorized by a Special Act of Parliament, are conferred by the Lands Clauses Acts on the Promoters of the Undertaking so authorized and on Parties seised or possessed of or entitled to Lands, or any Estate, Right, or Interest in Lands, required for that Undertaking; all which Powers and Capacities shall be enjoyed and may be exercised by the Promoters, and by all such Parties as aforesaid, as fully and effectually in all respects as if the Promoters had obtained a Special Act incorporating the Lands Clauses Acts, and authorizing them to make the Railway, and to purchase or take the Lands required for the same; subject, nevertheless, to the following Restrictions and Provisions; namely,

(1.) Nothing herein shall confer on the Promoters and Parties aforesaid any of the Powers or Capacities conferred by the Part of the Lands Clauses Acts with respect to the Purchase and taking of Lands otherwise than by Agreement, or by the Part of those Acts with respect to the Entry upon Lands by the Promoters of the Undertaking, or by such Provisions of those Acts as provide for the Determination or Ascertainment of the Amount of any Purchase or Compensation Money, or the Settlement of any Apportionment or other Matter, otherwise than by Agreement, (except only as to such of those Provisions as provide for the Determination of the Amount of Compensation to be paid for Enfranchisement of Copyholds; and for the Purposes of the present Section, Section 96 of The Lands Clauses Consolidation Act, 1845, relating to the Enfranchisement of Copyholds, shall be read and have effect as if the Limitation of Time therein contained were omitted therefrom):

(2.) Any Party under Disability or Incapacity, and not having Power to sell and convey or release any Lands, except under the Lands Clauses Acts, as applied by the present Section, shall have Capacity only to contract with the Promoters for the Sale of those Lands, and shall not (before such a Certificate of the Board of Trade,

Trade, as is herein-after provided for, comes into operation) have Capacity, further or otherwise than if this Act had not been passed, to carry the Contract into execution, or in pursuance thereof to convey or deliver Possession of or release those Lands:

(3.) The Promoters (before such a Certificate as aforesaid comes into operation) shall be empowered by this Act only to contract for Lands, and they shall not have Capacity, further or otherwise than if this Act had not been passed, to take or hold Lands.

Contracts for Sale of Lands belonging to the Crown or Duchy of Lancaster or Cornwall.

IV. Where Lands required for the Railway belong to or are enjoyed by Her Majesty the Queen, Her Heirs or Successors, in right of the Crown, or form Part of the Possessions of the Duchy of *Lancaster* or of the Duchy of *Cornwall*, any Contract for the Purposes of this Act may be entered into in respect of those Lands, as follows; namely,

In the first-mentioned Case, by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, with the Consent of the Commissioners of Her Majesty's Treasury;

In the secondly-mentioned Case, by the Chancellor of the Duchy by Writing under his Hand attested by the Clerk of the Council of the Duchy;

In the thirdly-mentioned Case, by the Duke of *Cornwall* or other the Persons for the Time being empowered to dispose for any Purpose of Lands of the Duchy.

User of or Interference with Public or Turnpike Roads.

V. Notwithstanding anything in this Act, it shall not be necessary for the Promoters, before applying under this Act for Authority to make the Railway, to enter into any Contract with respect to any Part of a Turnpike Road or public Highway intended to be taken or used, or to be diverted or otherwise interfered with, for the Purposes of the Railway; but the Board of Trade before they settle a Draft of such a Certificate as herein-after provided for, shall be satisfied that due Provision is made for the Interests of the Trustees or other Persons having the Management of every such Road or Highway, and for the Safety and Convenience of the Public in relation thereto.

Application for Certificate.

After Land contracted for, Power for Promoters to apply for Certificate, publish Notices, &c.

VI. When the Promoters have contracted for the Purchase of all the Lands required for the Railway, and are desirous of obtaining a Certificate under this Act, they shall proceed as follows; namely,

(1.) They shall apply to the Board of Trade for a Certificate under this Act:

(2.) They shall deposit Maps, Plans, Sections, and Books of Reference,

Reference, and an Estimate of the Expense of the Construction of the Railway, and lodge a Draft of the Certificate as proposed by them, according to the General Rules under this Act:

(3.) They shall publish Notice of the Application according to such General Rules.

Consideration of Application by Board of Trade.

VII. As soon as conveniently may be after the Time for Completion of the required Deposit and Notice the Board of Trade shall proceed to inquire in such Manner and to such Extent as shall appear to them sufficient, whether the Promoters have contracted for the Purchase of all the Lands required for the Railway, and to inquire whether the Promoters have complied with the Requirements of the General Rules respecting Deposit and Notice.

Board of Trade to consider all Representations and Objections.

VIII. The Board of Trade, before settling the Draft of a Certificate, shall take into consideration any Representation made to them, and shall duly inquire into the Merits of any Objection brought before them, respecting the Application.

Opposition of Railway or Canal Company to Undertaking.

On Railway or Canal Company affected giving Notice of Opposition, Proceedings before Board of Trade to cease.

IX. If in any Case any Railway or Canal Company desire to be heard by Counsel, Agents, and Witnesses against the proposed Undertaking, and (within such Time as is prescribed by General Rules under this Act) lodge at the Office of the Board of Trade a Notice in Writing to that Effect (herein-after referred to as a Notice of Opposition) in the Form set forth in the Schedule to this Act (with such Variations as Circumstances require), in that Case the Board of Trade, if the Railway or Canal Company lodging the Notice would be affected in any way by the proposed Undertaking, shall not proceed on the Application of the Promoters.

Further Proceedings to be in Parliament.

X. Where the Board of Trade do not proceed on the Application, they shall, not later in any Year than the Fifteenth Day of *February*, if Parliament is then sitting, and if not, then within Seven Days after the next Meeting of Parliament, lay before both Houses of Parliament a Copy of the Draft Certificate lodged by the Promoters and of the Notice of Opposition; and the Promoters shall be at liberty to seek by way of Bill in the same Session, in such Manner and on such Conditions as the Houses of Parliament respectively by Standing Order or otherwise from Time to Time direct, such Powers as were sought by them by way of Certificate.

Settlement of Draft Certificate.

XI. Where the Board of Trade proceed on the Application, then

then on being satisfied that the Promoters have contracted for the Purchase of all the Lands required for the Railway, and have complied with the Requirements of the General Rules respecting Deposit and Notice, they may, if they think fit, settle a Draft of a Certificate certifying to the Effect that the Company, or Persons therein specified, are authorized to make the Railway therein described. Power to Board of Trade to settle Certificate.

XII. The Board of Trade may (subject to the Provisions of this Act) insert in the Draft Certificate such Provisions, as they, according to the Circumstances of the Case, deem necessary or proper for better effectuating the Purposes of the Certificate; and the same shall be deemed to all Intents Part of the Certificate. Insertion of Conditions in Certificate.

XIII. The Certificate may be in the Form set forth in the Schedule to this Act, with such Provisions as aforesaid. Form of Certificate.

Submission of Draft Certificate to Houses of Parliament.

XIV. The Board of Trade shall lay the Draft Certificate settled by them before both Houses of Parliament, within Seven Days after the same is settled, if Parliament is then sitting, and if not, then within Seven Days after the next Meeting of Parliament, but not later in any Year than the First Day of *June*. Draft Certificate to be laid before Houses of Parliament.

XV. On the Draft Certificate being settled the Promoters shall give Notice thereof according to General Rules under this Act. Notice thereof to be given.

XVI. If either House of Parliament within Six Weeks after the Draft of a Certificate settled by the Board of Trade is laid before that House, resolves that the Certificate ought not to be made, the same shall not be further proceeded with; and in that Case all Contracts for the Purchase or taking of Lands for the Purposes of the Undertaking shall cease to be binding on either Party. If either House resolve that Certificate ought not to be made, it shall not be proceeded with.

Issue, Publication, and Effect of Certificate.

XVII. If neither House of Parliament within the Period aforesaid thinks fit to resolve that the Certificate ought not to be made, then as soon as the Period of Six Weeks after the laying of the Draft Certificate before both Houses of Parliament has expired, the Board of Trade may make and issue a Certificate in conformity with such Draft. If neither House resolve that Certificate ought not to be made, Board of Trade may issue the same.

XVIII. The Certificate shall be published in the *London* or *Edinburgh* or *Dublin* Gazette, respectively, if the Railway will be situate wholly in *England* or *Scotland*, or in *Ireland*; and shall Publication of

Certificate in Gazette.

shall be published both in the *London* and in the *Edinburgh* Gazette, if the Railway will be situate partly in *England* and partly in *Scotland*.

Operation of Certificate as Special Act.

XIX. As from the Time (not being prior to such Publication) in the Certificate prescribed, and if none is prescribed then as from the Time of such Publication, the Certificate shall have the same Force and Operation, and shall be as absolutely valid and conclusive to all Intents, as if the Contents thereof (taken in conjunction with this Act) had been expressly enacted by Parliament; and the Validity of the Certificate shall not be impeached on account of any alleged Informality in any Court or elsewhere.

Judicial Notice of Certificate.

XX. The Certificate shall be judicially noticed without being specially pleaded.

Interpretation of Certificate.

XXI. Terms used in the Certificate shall have the same Meanings as they have when used in this Act.

Duration of Powers under Certificate.

Cesser of Powers at Expiration of prescribed Time.

XXII. If the Company, or Persons by the Certificate empowered to make the Railway do not within Five Years from the Commencement of the Operation of the Certificate, or within any shorter Period prescribed therein, complete the Railway and open it for public Traffic, then (subject to any Provisions and Qualifications in the Certificate contained) all the Powers and Authorities given by the Certificate shall, from and after the Expiration of the Time aforesaid, cease, except as to so much of the Railway as is then completed.

Lands.

Incorporation of Lands Clauses Acts in Certificate, except Provisions giving compulsory Powers, &c.

XXIII. The Lands Clauses Acts shall be incorporated with the Certificate (which shall for this Purpose be deemed the Special Act) except as may be therein excepted, and except as to the following Provisions; namely,

(1.) With respect to the Purchase and taking of Lands otherwise than by Agreement:

(2.) With respect to the Entry upon Lands by the Promoters of the Undertaking:

(3.) So much of those Acts as provides for the Determination or Ascertainment of the Amount of any Purchase or Compensation Money, or the Settlement of any Apportionment or other Matter, otherwise than by Agreement (but excluding from this Exception so much of those Acts as provides for the Determination of the Amount of Compensation to be paid for Enfranchisement of Copyholds).

Incorporation

Incorporation of Company.

In what Cases Company shall be incorporated.

XXIV. Where the Promoters are not a Company incorporated by Special Act, or by previous Certificate under this Act, and are Seven or more in Number, a Company shall be incorporated by the Certificate, for the Purposes thereof.

In others Company may be incorporated.

XXV. Where the Promoters are not a Company incorporated by Special Act, or by previous Certificate under this Act, and are less than Seven in Number, a Company may be incorporated by the Certificate for the Purposes thereof, if the Promoters so desire.

Power for Board of Trade to incorporate Company by Certificate.

XXVI. Where the Certificate incorporates a Company, it shall contain proper Provisions with apt Terms for creating a Body Corporate, by an appropriate Name, with perpetual Succession and a Common Seal, and with Power to take, hold, and dispose of Lands and other Property, for the Purposes and subject to the Restrictions of the Certificate, and may confer on the Company Power to borrow on Mortgage, and all other usual or proper Powers.

Incorporation of Companies Clauses Acts.

XXVII. In every such Case, the Companies Clauses Acts shall be incorporated with the Certificate (which shall be deemed the Special Act).

Restriction as to Issue of Shares.

XXVIII. It shall not be lawful for any Company empowered by a Certificate under this Act to issue any Share created under the Authority of the Certificate, nor shall any such Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share is paid up in respect thereof.

Restrictions on Company as to borrowing, &c.

XXIX. Every Company, whether incorporated by Special Act or by Certificate, empowered by a Certificate to borrow Money, shall, as regards the Money so authorized to be borrowed, be subject to the following Restrictions; namely,

(1.) They shall not exercise the said Powers of borrowing any Money until the whole of the Share Capital authorized by the Certificate is subscribed for or taken, and until One Half thereof is actually paid up, and until they prove to the Justice who is to certify under Section 40. of The Companies Clauses Consolidation Act, 1845, or (in *Scotland*) to the Sheriff who is to certify under Section 42. of The Companies Clauses Consolidation (*Scotland*) Act, 1845, as the Case may be, before he so certifies, that Shares for the whole of the Capital are issued and accepted, and that not less than One Fifth Part of the Amount of each separate Share has been paid up on account thereof before or at the Time of the Issue or Acceptance thereof, and that all such Shares were

were taken in good Faith, and are held by the Subscribers or their Assigns, those Subscribers or their Assigns being legally liable for the same (of which Matters the Certificate of the Justice or Sheriff shall be sufficient Evidence):

(2.) They shall not borrow a larger Sum in the whole than One Third of the Amount of the Share Capital authorized by the Certificate:

(3.) They shall not out of Money raised under the Certificate by Calls or borrowing pay Interest or Dividend to a Shareholder on the Amount of Calls made on his Shares, whether created under the Certificate or otherwise; (but this Provision shall not prevent them paying to a Shareholder under the Certificate such Interest on Money advanced by him beyond the Amount of Calls actually made, as is allowed by the Companies Clauses Acts):

(4.) They shall not out of Money so raised pay or deposit any Money that may be required to be paid or deposited in relation to any Application to Parliament or the Board of Trade:

(5.) They shall apply every Part of the Money so raised only for Purposes for which it is by the Certificate authorized to be applied.

Contracts by Promoters binding on Company.

XXX. Contracts relative to the Purchase or taking of Lands for the Railway, entered into by the Promoters before the Incorporation of the Company by the Certificate, shall be as binding on the Company as if they had been entered into by the Company.

Construction of Railway.

Incorporation of Railways Clauses Acts in Certificate, except as to compulsory Powers, &c.

XXXI. The Railways Clauses Acts shall be incorporated with the Certificate (which shall be deemed the Special Act), except as may be therein excepted, and except as to the following Provisions; namely,

(1.) Such of the Provisions with respect to the Construction of the Railway and the Works connected therewith as relate to the Correction of Errors and Omissions in Plans or to Plans and Sections of Alterations:

(2.) With respect to the temporary Occupation of Lands near the Railway during the Construction thereof:

(3.) With respect to leasing the Railway:

and subject to the following Provisions; namely,

(1.) Nothing herein shall confer Power for the taking or using of Lands for Deviation or for any other Purpose, otherwise than by Agreement:

(2.) Any

(2.) Any Provision referring to the Datum Line described in the Section approved of by Parliament shall be read as referring to the Datum Line described in the Section approved of by the Board of Trade.

Restriction on Alterations of Plan or Section.

XXXII. Where the Promoters desire to make any Alteration in the deposited Plan or Section, they may do so with the Consent of the Board of Trade; but the Board of Trade shall not settle a Draft of a Certificate without being satisfied that all Parties interested in Lands liable to be affected by or in consequence of the Alteration consent thereto.

Provision respecting Gauge.

XXXIII. Every Railway made under this Act in *England* or *Scotland* shall be made on the Gauge of Four Feet Eight Inches and Half an Inch, unless in any Case the Certificate prescribes the making of the Railway on the Gauge of Seven Feet or on both those Gauges.

Every Railway made under this Act in *Ireland* shall be made on the Gauge of Five Feet Three Inches.

Provisions to secure Completion of Railway.

Promoters to deposit Eight per Cent. on Estimate in Court of Chancery, &c.

XXXIV. After the Certificate is ready to be issued, and before the same is issued, by the Board of Trade, the Promoters, unless they are a previously existing Company possessed of a Railway open for public Traffic, shall, within such Time as General Rules under this Act direct, pay as a Deposit a Sum of Money not less than Eight *per Centum* on the Amount of their Estimate of the Expense of the Construction of the Railway, as follows; namely,

Where the Railway or any Part thereof will be situate in *England*,—into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery in *England*:

Where the Railway will be situate wholly in *Scotland*,—either into the Bank of *England* in manner aforesaid, or (at the Option of the Promoters) into a Bank in *Scotland* established by Act of Parliament or Royal Charter, in the Name and with the Privity of the Queen's Remembrancer of the Court of Exchequer in *Scotland*:

Where the Railway will be situate in *Ireland*,—into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland*.

Warrant of Board of Trade for Payment into Court.

XXXV. The Board of Trade may issue their Warrant to the Promoters for such Payment into Court, which Warrant shall be a sufficient Authority for the Persons therein named, or the Majority or Survivors of them, to pay the Money therein mentioned into the Bank therein mentioned, in the Name and with the Privity of the Officer therein mentioned, and for that Officer

to receive the same, to be placed to his Account there, *ex parte* the Railway therein mentioned, according to the Method (prescribed by Statute, or General Rules or Orders of Court, or otherwise,) for the Time being in force respecting the Payment of Money into the said Courts respectively, and without Fee or Reward.

Liberty for Promoters to bring in Exchequer Bills, &c.

XXXVI. Provided, that in lieu, wholly or in part, of the Payment of Money, the Promoters may bring into Court as a Deposit an equivalent Sum of Bank Annuities, or of any Stocks, Funds, or Securities on which Cash under the Control of the respective Court is for the Time being permitted to be invested, or of Exchequer Bills, (the Value thereof being taken at the Price at which the Promoters originally purchased the same, as appearing by the Broker's Certificate of that Purchase); and in that Case the Board of Trade shall vary their Warrant accordingly.

Provision for Vacations in Offices of Courts.

XXXVII. At any Time when the Office of the Accountant General of the Court of Chancery in *England* or *Ireland* is closed, a Deposit under this Act may nevertheless be made, in such manner as General Orders of the respective Courts authorize and direct.

Power for Court to direct Investment.

XXXVIII. Where Money is so paid into the Court of Chancery in *England* or *Ireland*, the Court may, on the Application of the Persons named in the Warrant of the Board of Trade, or of the Majority or Survivors of them, order that the same be invested in such Stocks, Funds, or Securities as the Applicants desire and the Court thinks fit.

Interpretation of "Deposit Fund" and "Depositors" in following Provisions.

XXXIX. In the subsequent Provisions of this Act, the Term "the Deposit Fund" means the Money deposited, or the Stocks, Funds, or Securities in which the same is invested, or the Bank Annuities, Stocks, Funds, Securities, or Exchequer Bills deposited, as the Case may be; and the Term "the Depositors" means the Persons named in the Warrant of the Board of Trade authorizing the Deposit, or the Majority or Survivors of those Persons, their Executors, Administrators, or Assigns.

Repayment of Deposit on Completion of Railway or on Terms.

XL. The Court in which the Deposit is made shall, on the Application of the Depositors, order the Deposit Fund to be paid, transferred, or delivered out to the Applicants, or as they direct, in any of the following Events; namely,

(1.) If, within the Time in the Certificate prescribed, and if none is prescribed, then within Five Years from the Commencement of the Operation of the Certificate, the Company, or Persons thereby empowered to make the Railway complete it and open it for public Traffic; or

(2.) If, within the same Time, they (being a Company) prove to

to the Satisfaction of the Board of Trade that One Half of their nominal Capital authorized by the Certificate is paid up, and that they have expended a like Amount for the Purposes of the Certificate; or

(3.) If, at any Time after the issuing of the Certificate, they execute and deliver to the Solicitor of Her Majesty's Treasury a Bond with a Surety or Sureties (such Bond being prepared to the Satisfaction of, and such Surety or Sureties being approved by, the said Solicitor) in a penal Sum of Twice the Amount of the Money required to be deposited, conditioned to the Effect following, namely,—for Payment to Her Majesty, Her Heirs or Successors, of the Amount of the Money required to be deposited, if the Company or Persons empowered by the Certificate do not, within the Time aforesaid, either complete the Railway and open it for public Traffic, or (being a Company) give such Proof as aforesaid respecting their Capital and Expenditure.

Forfeiture of Deposit on Non-completion of Railway, &c.

XLI. If the Company, or Persons empowered by the Certificate to make the Railway do not, within the Time in the Certificate prescribed, and if none is prescribed, then within Five Years from the Commencement of the Operation of the Certificate, do one or other of the following Things, namely,—

(1.) complete the Railway and open it for public Traffic; or

(2.) give (being a Company) such Proof as herein-before mentioned respecting their Capital and Expenditure; or

(3.) execute and deliver such a Bond as is herein-before described,—

then and in every such Case the Deposit Fund shall, from and after the Expiration of the Time aforesaid, be forfeited to Her Majesty, and shall accordingly be paid, transferred, or delivered out to or for the Account of Her Majesty's Exchequer, in such Manner as the Court in which the Deposit is made thinks fit to order, on the Application of the Solicitor of Her Majesty's Treasury, on Notice to such Parties (if any) as the Court thinks fit; and the Deposit Fund, when so paid, transferred, or delivered, or the Proceeds thereof, shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Application of Money recovered on Bond.

XLII. Where any such Bond as aforesaid is given, the Amount recovered thereon shall be paid to the Account of Her Majesty's Exchequer, and shall be carried to and form Part of the said Consolidated Fund.

Depositors to receive Dividends accruing while Fund in Court.

XLIII. The Depositors shall be entitled to receive Payment of the Interest or Dividends from Time to Time accruing on the Deposit Fund while in Court; and the Court in which the Deposit is made may from Time to Time, on the Application of

of the Depositors, make such Order as seems fit respecting the Payment of the Interest or Dividends accordingly.

Proof as to Capital and Expenditure, Execution of Bond, &c.

XLIV. The Certificate of the Board of Trade that such Proof as aforesaid respecting the Capital and Expenditure of any Company has been given to the Satisfaction of the Board of Trade, and the Certificate of the Solicitor of Her Majesty's Treasury that such Bond as aforesaid has in any Case been prepared, executed, and delivered to his Satisfaction, shall respectively be sufficient Evidence of the Matters therein certified.

Protection to Board of Trade in case of Error, &c.

XLV. The issuing in any Case of any Warrant or Certificate relating to Deposit or to the Deposit Fund, or any Error in any such Warrant or Certificate or in relation thereto, shall not make the Board of Trade, or the Person signing the Warrant or Certificate on their Behalf, in any Manner liable for or in respect of the Deposit Fund, or the Interest of or Dividends on the same, or any Part thereof respectively.

Mode of Application to Courts.

XLVI. Any Application under this Act to the Court of Chancery in *England* or *Ireland* shall be made in a summary Way in such Manner as General Orders of those Courts respectively direct.

Power for Courts to make General Orders.

XLVII. The Lord Chancellor of *Great Britain* with the Advice and Assistance of the Lords Justices of the Court of Appeal in Chancery and the Master of the Rolls and the Vice-Chancellors, or any Two of those Judges, and the Lord Chancellor of *Ireland* with the Advice and Assistance of the Lord Justice of the Court of Appeal in Chancery in *Ireland* and of the Master of the Rolls in *Ireland*, may respectively from Time to Time make such General Orders as seem fit for the Regulation of the Practice under this Act of the Court of Chancery in *England* and *Ireland* respectively.

Penalty on Company failing to open new Railway in certain Cases.

XLVIII. Where a Certificate is obtained by a previously existing Company possessed of a Railway open for public Traffic, then, if the Company fail to complete the Railway and open it for public Traffic within the Time in the Certificate prescribed, and if none is prescribed, then within Five Years from the Commencement of the Operation of the Certificate, the Company shall be liable to a Penalty of not less than Twenty Pounds, and not exceeding Fifty Pounds for every Day during which such Failure continues, except only in respect of any Time during which it appears from a Certificate of the Board of Trade that the Company were prevented from completing the Railway or opening it for public Traffic by unforeseen Accident or Circumstances beyond their Control, but the Want of sufficient Funds shall not be deemed a Circumstance beyond their Control within the Meaning of this Provision.

Tolls

Tolls and Charges for Use of Railway.

Tolls, &c. in Schedule.

XLIX. The Proprietors of the Railway may demand and take, in respect of the Railway, Tolls and Charges not exceeding the Sums specified in the Schedule to this Act, subject and according to the Regulations therein specified.

Power for Board of Trade to vary Tolls, &c.

L. The Board of Trade may nevertheless by the Certificate vary the Tolls and Charges and Regulations specified in the Schedule to this Act, or any of them, if in any Case it seems to them necessary or proper, under the Circumstances, to do so.

Application of General Railway Acts.

Enactments in Schedule applied to the Railway and Company, subject to Variations.

LI. The Enactments described in the Schedule to this Act, and any Enactments amending, perpetuating, or otherwise affecting any of them, so far as the same are in force at the passing of this Act, shall extend and apply, as the Case may require, to the Railway, and to the Company or Persons empowered by the Certificate to make the Railway, and shall in all respects operate in relation thereto respectively as if they were expressly repeated and re-enacted in this Act, subject, nevertheless, and according to the following Variations and Provisions; namely,

(1.) For the Purposes and within the Meaning of any of those Enactments, the Railway shall be deemed to be a Railway made and constructed and carried on under the Authority of Parliament and under the Powers and Provisions of an Act of Parliament, and the Certificate (taken in conjunction with this Act) shall be deemed to be a Special Act of Parliament regulating or relating to the Railway, or the Company, Body, or Persons empowered to make the same (as the Case may require):

(2.) Such of those Enactments as refer to the Time of the passing of an Act of Parliament for the Construction of a Railway, or to the last Day of the Session in which such an Act is passed, shall respectively be read and have effect as referring to the Time of the Commencement of the Operation of the Certificate:

(3.) The Terms "Company" and "Railway Company" used in any of those Enactments shall respectively include any Persons empowered by the Certificate to make the Railway:

(4.) Such of those Enactments as refer to the Directors, or any Director, or the Secretary, Chief or other Clerk, Accountant, Treasurer, or other Officer of a Company, shall extend and apply to every or any One of

of the Persons (not being a Company), empowered by the Certificate to make the Railway:

(5.) Such of those Enactments as refer to a Writing under the Common Seal of the Company shall be read and have effect as referring to a Writing under the Hand and Seal of any One of such Persons, as aforesaid:

(6.) Such of those Enactments as impose any Penalty or Forfeiture, or any pecuniary Liability or any Obligation, on a Company, or give any Right, Remedy, or Process against a Company, shall be read and have effect (so far as the Nature and Circumstances of the Case admit) as imposing a like Penalty, Forfeiture, Liability, or Obligation on, or as giving a like Right, Remedy, or Process against, every or any One of such Persons, as aforesaid, but not so as to authorize the Recovery of any Penalty or Forfeiture from, or the Enforcement of any pecuniary Liability against, more than One of such Persons in respect of the same Offence, Matter, or Thing:

(7.) The Amount of any Compensation to be made to the Owners and Occupiers of any Lands for Loss or Injury or Inconvenience sustained by them respectively by reason of any Works done under the Authority of any of those Enactments shall, in case of Dispute, be settled in manner directed by the Lands Clauses Acts and the Railways Clauses Acts as respectively applicable to the Case:

(8.) Such of those Enactments as provide for the Case of the Board of Trade certifying that the Public Safety requires additional Land to be taken by a Company for the Purpose of giving increased Width to the Embankments or Inclination to the Slopes of the Railway, or for making Approaches to Bridges or Archways, or for doing Works for the Repair or Prevention of Accidents or Slips happening or apprehended to the Cuttings, Embankments, or other Works of the Railway, shall be read and have effect, as regards such Portions of Land as are mentioned in any Certificate so given by the Board of Trade, as if compulsory Powers of purchasing and taking Lands had been contained in the Certificate under this Act authorizing the making of the Railway, and the Provisions of the Lands Clauses Acts and the Railways Clauses Acts relative to the compulsory Purchase or taking of Land had been incorporated with that Certificate:

(9.) If

(9.) If the Railway is in any respect constructed contrary to the Provisions of the Certificate, or of this Act, it shall be deemed to be constructed contrary to the Provisions of any of those Enactments applicable in the Case:

(10) Nothing herein shall extend or make applicable, for the Purposes of this Act, to or in any one of the Parts of the United Kingdom, any of those Enactments not in force there independently of this Act.

Miscellaneous.

Board of Trade may reject the Application.

LII. Nothing in this Act shall make it obligatory on the Board of Trade to settle a Draft of a Certificate in any Case if it appears to the Board of Trade for any Reason that the Application of the Promoters should not be complied with; and in case the Board of Trade reject any Application, all Contracts for the Purchase or taking of Lands for the Purposes of the Undertaking shall cease to be binding on either Party.

Saving for General Acts, or Revision of Charges.

LIII. Nothing in the Certificate shall exempt the Railway, or the Company, or Persons to whom it belongs, from the Provisions of any General Act of Parliament relating to Railways, or to the better Audit of the Accounts of Railway Companies, passed before or after the issuing of the Certificate, or from any Revision and Alteration, under the Authority of Parliament, of the maximum Tolls and Charges allowed to be taken under the Certificate.

New Works in connexion with Railway.

LIV. All the Provisions of this Act which relate to the making of a Railway shall extend and apply, *mutatis mutandis*, to the making or executing of any Work connected with or for the Purposes of a Railway (as distinguished from the Construction of a Railway).

Power to authorize joint work.

LV. Subject and according to the Provisions of this Act, the Board of Trade may, on a joint Application or on Two or more separate Applications, issue a Certificate empowering Two or more Companies, or Persons, respectively, to jointly make or execute the whole, or to separately make or execute Parts, of a Work connected with or for the Purposes of a Railway, and to jointly or separately use the whole or Parts thereof; and all the Provisions of this Act which relate to the making of a Railway, or the making or executing of a Work, shall extend and apply to the making or executing of the whole and the separate Parts of such Work as last aforesaid; and the Form of the Certificate may be adapted to the Circumstances of the Case.

Power to existing Promoters,

LVI. Where the Certificate is obtained by a previously

being a Company, to raise additional Capital.

existing Company incorporated by Special Act or by Certificate, the Certificate may authorize the Company to raise, as Capital, for the Purposes of the Certificate, such additional Sum of Money as therein limited, by the Issue of new Shares or new Stock, either Ordinary or Preference, or partly Ordinary and partly Preference, or partly in that Mode and partly by borrowing on Mortgage, at the Option of the Company, or as may be prescribed in the Certificate, and with Power to create and issue Debenture Stock.

In every such Case the Companies Clauses Acts shall be incorporated with the Certificate.

In every such Case the Restrictions by this Act imposed on a Company when originally incorporated by Certificate, with respect to the Exercise of their Borrowing Power and to the Application of Money raised under the Certificate by Calls or borrowing, shall extend and apply to such previously existing Company in respect of such additional Capital.

Where Promoters are a Company, Approval of Application by a Meeting.

LVII. Where the Certificate is obtained by a previously existing Company incorporated by Special Act or by Certificate, it shall be the Duty of the Board of Trade not to settle a Draft of the Certificate without being satisfied that the Members of the Company have approved of the Application to the Board of Trade, in like Manner as, under the Standing Orders of either House of Parliament for the Time being in force, their Approval of a Railway Bill would be required to be given in the same Case.

Power to Board of Trade to amend or revoke Certificate.

LVIII. Subject and according to the Restrictions and Provisions of this Act, the Board of Trade, on the Application of any Company or Persons empowered by a Certificate, may from Time to Time amend, extend, or vary by Certificate the previous Certificate, and may by Certificate revoke the previous Certificate.

Power to correct Error.

LIX. If in any Case it is made to appear to the Board of Trade that any Error has been committed in a Certificate or in relation thereto, the Board of Trade may, subject and according to the Restrictions and Provisions of this Act, on the Application of any Company, Body, or Person affected by the Error, and on Notice to the Company or Persons empowered by the Certificate, correct the Error by a further Certificate.

Proof of Certificate.

LX. A Copy of the *London*, *Edinburgh*, or *Dublin* Gazette containing a Certificate or a Copy of a Certificate, purporting to be printed by the Printers of the *London*, *Edinburgh*, or *Dublin* Gazette, shall be conclusive Evidence of the Certificate, and of the due Publication thereof, without any Proof of the Gazette, or without any Proof of the Copy having been in fact so printed, as the Case may be.

LXI. The

Copies of Certificate for Sale.

LXI. The Company or Persons empowered by a Certificate shall at all Times keep at their Head Office Copies of the Certificate printed by the Printers of the Gazette or one of the Gazettes in which the same was published, in such Form as General Rules under this Act direct, to be sold to all Persons desiring to buy the same, at a Price not exceeding One Shilling for each Copy.

If any Company or Persons fail to comply with this Provision they shall be liable to a Penalty not exceeding Twenty Pounds, and to a further Penalty not exceeding Five Pounds for every Day during which such Failure continues after the First Penalty is incurred.

Recovery and Application of Penalties.

LXII. Penalties under this Act or under a Certificate, the Recovery and Application whereof are not otherwise provided for, shall be recovered and applied as Penalties under the Railways Clauses Acts are recoverable and applicable.

As to Custody of Documents under 7 W. 4. & 1 Vict. c. 83.

LXIII. The Act of the Session of the Seventh Year of King *William* the Fourth and the First Year of Her Majesty (Chapter Eighty-three), "to compel Clerks of the Peace and other "Persons to take the Custody of such Documents as shall be "directed to be deposited with them under the Standing Orders "of either House of Parliament," shall apply to Documents required to be deposited by General Rules under this Act.

General Rules in Schedule with Power for Amendment.

LXIV. The General Rules under this Act shall in the first instance be those set forth in the Schedule to this Act; and the Board of Trade may from Time to Time, for the better Execution of this Act, make General Rules adding to, altering, or revoking any General Rules for the Time being in force under this Act; but any General Rules so made by the Board of Trade shall not have Effect unless and until they are laid before both Houses of Parliament, and if either House of Parliament, within Six Weeks after the same are laid before that House, thinks fit to resolve that the same or any Part thereof ought not to take Effect, the same or that Part thereof (as the Case may be) shall not take Effect; otherwise all Rules made by the Board of Trade under the present Section shall be of the same Force and Effect as if they had been comprised in the Schedule to this Act.

All General Rules which are to take Effect under the present Section shall be published in the *London*, *Edinburgh*, and *Dublin* Gazettes.

Annual Report to Parliament by Board of Trade.

LXV. Not later than the First Day of *July* in each Year the Board of Trade shall lay before both Houses of Parliament a Report respecting the Applications to and Proceedings of the Board of Trade under this Act during the Year then last past.

The SCHEDULE referred to in the foregoing Act.

(i.)—*Notice of Opposition.*

In the matter of
The Railways Construction Facilities Act, 1864,
and
The (proposed) Railway.

We, the Railway [*or* Canal] Company hereby declare and give Notice that we desire to be heard by Counsel, Agents, and Witnesses against the above-mentioned proposed Undertaking.

Dated this Day of , 18 .

Witness, *A.B.*

L.S.

(ii.)—*Form of Certificate of Board of Trade.*

The Railway.

Certificate of the Board of Trade for the Construction of the Railway.

Whereas the Promoters of the Railway have contracted for the Purchase of the Lands required for the Railway and the Works connected therewith, and have complied with the Requirements of The Railways Construction Facilities Act, 1864:

Now, therefore, the Board of Trade do, by this their Certificate, in pursuance of the said Act, and by virtue and in exercise of the Powers thereby in them vested, and of every other Power enabling them in this Behalf, certify as follows:

[*Here are to follow the Provisions of the Certificate showing the Powers conferred and the Terms and Conditions (if any) imposed.*]

The Board of Trade, Whitehall.
Dated this Day of .

(Signed) *C.D.*
Secretary to the Board of Trade.

(iii.)—*Tolls*

(iii.)—*Tolls and Charges.*

Table I.

Maximum Charges for Use of Railway and Supply of Carriages, Waggons, or Trucks.

	For Use of Railway, per Mile.	For Supply of Carriage, Waggon, or Truck by the Proprietors of the Railway, the additional Sum per Mile of
Passengers :—For every Person . .	Twopence.	One Penny.
Animals :—		
For every Horse, Ass, Mule, or other Beast of Draught or Burden (Class 1.)	Threepence.	One Penny.
For every Ox, Cow, Bull, or Head of Neat Cattle (Class 2.) . .	Twopence.	One Penny.
For every Calf, Pig, Sheep, Lamb, and other small Animal (Class 3.)	Three Farthings.	One Farthing.
Goods (except as provided for in Table IV.)		
For Cotton and other Wools, Manufactured Goods, Drugs, Fish, and all other Wares, Merchandise, Articles, Matters, or Things not enumerated in any other Class (Class 4.) . per Ton	Threepence.	One Penny.
For Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, Deals, and Metals (except Iron), Nails, Anvils, Vices, Chains, and Light Iron Castings (Class 5.) . per Ton	Twopence Halfpenny.	One Penny.
For Coke, Charcoal, Pig Iron, Bar Iron, Rod Iron, Sheet Iron, Hoop Iron, Plates of Iron, Wrought Iron, Heavy Iron Castings, Railway Chains, Slabs, Billets, and Rolled Iron, Lime, Bricks, Tiles, Slates, Salt, Fireclay and Stone (Class 6.) per Ton	Three Halfpence.	One Penny.
For Dung, Compost, Manure, undressed Material for Repair of Public Roads or Highways, Coals, Culm, Cinders, Cannel, Ironstone, Iron Ore, Limestone, Clay (except Fireclay), Chalk, Sand, and Slag (Class 7.). . . . per Ton	Five Farthings.	One Halfpenny.
For every Carriage of whatever Description conveyed on a Truck or Platform belonging to the Proprietors of the Railway (Class 8.) :		
If not weighing more than One Ton.	Sixpence.	
If weighing more than One Ton, then for the first Ton . . .	Sixpence.	
And for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton, above the first Ton .	Three Halfpence.	

TABLE II.

Maximum Charges for Supply of Locomotive Power.

For the Use of Engines for propelling Carriages on the Railway, for every Passenger, Animal, and Ton of Goods - per Mile One Penny.

TABLE III.

Maximum total Charges for Use of Railway and Supply of Carriages, Waggons, or Trucks, and Supply of Locomotive Power, and every other Expense incidental to Conveyance of Passengers, Animals, or Goods along the Railway.

	Per Mile.
Passengers :—	
For every Person conveyed in a First-class Carriage	Threepence.
" " Second-class "	Twopence.
" " Third-class "	Five Farthings.
Animals :—	
For every Animal in Class 1. . . .	Fourpence.
" Class 2. . . .	Threepence.
" Class 3. . . .	Three Halfpence.
Goods :—	
For every Thing in Class 4. . per Ton	Fourpence.
" Class 5. . per Ton	Threepence.
" Class 6. . per Ton	Twopence.
" Class 7. . per Ton	Three Halfpence.
For every Carriage in Class 8. . . .	The Charge specified in Table I.

TABLE IV.

Maximum Charges for small Packages and single Articles of great Weight.

Small Packages :—	
For every Parcel not exceeding Seven Pounds in Weight	Sixpence.
" exceeding Seven Pounds, but not exceeding Fourteen Pounds, in Weight	Eightpence.
" exceeding Fourteen Pounds, but not exceeding Twenty-eight Pounds, in Weight	One Shilling.
" exceeding Twenty-eight Pounds, but not exceeding Fifty-six Pounds, in Weight	One Shilling & Threepence.
" exceeding Fifty-six Pounds, but not exceeding Five hundred Pounds, in Weight, for the first Fifty-six Pounds	One Shilling.
And for every additional Fifty-six Pounds, or fractional Part of Fifty-six Pounds, above the first Fifty-six Pounds . .	Sixpence.
Single Articles of great Weight :—	
For every Boiler, Cylinder or Single Piece of Machinery, Timber or Stone, or other Single Article :	
If weighing (inclusive of the Carriage) more than Four but not more than Eight Tons, Sixpence per Ton per Mile.	
If weighing (inclusive of the Carriage) more than Eight Tons, such Sum as the Proprietors of the Railway think fit.	

REGULATIONS.

1. For Passengers, Animals, or Goods conveyed on the Railway for a Distance less than that prescribed in the Certificate as the Short Distance, and if none is prescribed then for a Distance less than Six Miles, Charges are to be payable as for the Short Distance prescribed, and if none is prescribed then as for Six Miles. Short Distance Charge.

2. In respect of Passengers, every Fraction of a Mile beyond an integral Number of Miles is to be deemed a Mile. Fraction of Mile; Passengers.

3. In respect of Animals and Goods, for a Fraction of a Mile beyond the Short Distance prescribed, or if none is prescribed then beyond Six Miles, or beyond any greater Number of Miles, Charges are to be payable in proportion to the Number of Quarters of a Mile contained in that Fraction; and a Fraction of a Quarter of a Mile is to be deemed a Quarter of a Mile. Fraction of Mile; Animals and Goods.

4. For a Fraction of a Ton Charges are to be payable according to the Number of Quarters of a Ton in that Fraction; and a Fraction of a Quarter of a Ton is to be deemed a Quarter of a Ton. Fraction of Ton.

5. Every Passenger travelling on the Railway may, without Charge, cause to be carried in the same Train with him his ordinary Luggage, not exceeding the Weight prescribed in the Certificate, and if none is prescribed then not exceeding the Weight of One hundred and twenty Pounds for a First-class Passenger, One hundred Pounds for a Second-class Passenger, and Sixty Pounds for a Third-class Passenger. Passengers Luggage.

6. The Restriction as to Charges for Passengers does not extend to Special Trains when required by Passengers, but applies only to the Ordinary or Express Passenger or Goods Trains appointed by the Proprietors of the Railway. Special Trains.

7. Except as to Stone and Timber, Weight is to be determined according to Avoirdupois Weight. Determination of Weight.

Fourteen Cubic Feet of Stone, and Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, are to be deemed One Ton, and so in proportion for any smaller Quantity.

8. In addition to the Charges in Table III., a reasonable Charge is to be payable for the loading, covering, and unloading of Goods at any Station, being a Terminal Station in respect of such Goods, and for Delivery and Collection, and any other Services incidental to the Duty or Business of a Carrier, where such Services, or any of them, are or is performed by the Proprietors of the Railway. Terminal Station Charges.

A Station is not to be considered a Terminal Station in respect of Goods, unless they are received there direct from the Consignor, or are directed to be delivered there to the Consignee.

9. The Term Small Packages does not include Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like; but applies only to single Parcels in separate Packages. Small Packages.

10. Nothing herein or in the Certificate contained is to prevent the Proprietors of the Railway from taking any Charge over and above the Charges herein-before limited for the Conveyance of Goods of any Description by Agreement with the Owners of or any Persons in charge of such Goods, either in respect of the Conveyance thereof (except Small Packages) by Passenger Trains, or by reason of any other special Service performed by the Proprietors of the Railway in relation thereto. Agreement for higher Charges.

(iv.)—*Enact-*

(iv.)—*Enactments in General Acts relating to Railways applied to Railways under this Act.*

Session and Chapter, and Section (if any).	Title or Short Title of Act.
1 & 2 Vict. c. 80. . . .	An Act for the Payment of Constables for keeping the Peace near Public Works.
1 & 2 Vict. c. 98. . . .	An Act to provide for the Conveyance of the Mails by Railways.
2 & 3 Vict. c. 45. . . .	An Act to amend an Act of the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth relating to Highways.
3 & 4 Vict. c. 97. . . .	An Act for regulating Railways.
5 & 6 Vict. c. 55. . . .	An Act for the better Regulation of Railways, and for the Conveyance of Troops.
5 & 6 Vict. c. 79. ss. 2 to 7 (both inclusive), and ss. 24, 25, 26.	An Act to repeal the Duties payable on Stage Carriages, and on Passengers conveyed upon Railways, and certain other Stamp Duties in Great Britain, and to grant other Duties in lieu thereof; and also to amend the Laws relating to Stamp Duties.
7 & 8 Vict. c. 85. . . .	An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes relating to Railways.
8 & 9 Vict. c. 3. . . .	An Act for the Appointment of Constables or other Officers for keeping the Peace near Public Works in Scotland.
8 & 9 Vict. c. 46. . . .	An Act for the Appointment of additional Constables for keeping the Peace near Public Works in Ireland.
9 & 10 Vict. c. 57. ss. 4, 6, 7, 8.	An Act for regulating the Gauge of Railways.
10 & 11 Vict. c. 85. s. 16. .	An Act for giving further Facilities for the Transmission of Letters by Post, and for the regulating the Duties of Postage thereon, and for other Purposes relating to the Post Office.
14 & 15 Vict. c. 64. . .	An Act to repeal the Act for constituting Commissioners of Railways.
17 & 18 Vict. c. 31. . .	The Railway and Canal Traffic Act, 1854.
18 & 19 Vict. c. 122. s. 6. .	An Act to amend the Laws relating to the Construction of Buildings in the Metropolis and its Neighbourhood.
20 & 21 Vict. c. 31. s. 4. .	An Act to amend and explain the Inclosure Acts.
21 & 22 Vict. c. 75.	An Act to amend the Laws relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies, being also Railway Companies.
22 & 23 Vict. c. 59. . .	Railway Companies Arbitration Act, 1859.
26 & 27 Vict. c. 33. ss. 13, 14.	An Act for granting to Her Majesty certain Duties of Inland Revenue, and to amend the Laws relating to the Inland Revenue.
26 & 27 Vict. c. 112. s. 32. .	The Telegraph Act, 1863.

(v.)—*General Rules.*

Form of Application.

1. The Application to the Board of Trade for a Certificate is to be made by a Memorial in Writing, signed by the Promoters, or some or one of them, and lodged at the Office of the Board of Trade.

2. Together with the Memorial the Promoters are to lodge—

(*a.*) A printed Draft of the Certificate as proposed by the Promoters:

(*b.*) An Estimate of the Expense of the Construction of the proposed new Railway or Work (if any), signed by the Person making the Estimate.

Plans, Sections, &c.

3. Maps, Plans, Sections, and Books of Reference deposited by the Promoters are to be such, in respect of Scale and Contents and otherwise, as, under the Standing Orders of either House of Parliament for the Time being in force, they would be obliged to deposit if they were proceeding in the same Case by a Railway Bill.

4. The Maps, Plans, Sections, and Books of Reference aforesaid are to be deposited at the Office of the Board of Trade at the Time when the Memorial is lodged there.

5. They are also to be deposited for public Inspection at the same Offices of the Clerks of the Peace or Sheriff Clerks, at which, under the Standing Orders aforesaid, the Promoters would be obliged to deposit them if they were proceeding in the same Case by a Railway Bill.

6. Where any Part of the Railway will be situate within the Limits of the Metropolis, as defined by The Metropolis Management Act, 1855, a Copy of so much of the Plans and Sections as relates to that Part is to be deposited at the Office of the Metropolitan Board of Works.

7. A Copy of so much of the Plans and Sections as relates to each Parish in which any Part of the Railway will be situate, or in which any Lands intended to be taken for the Railway are situate, together with a Copy of so much of the Book of Reference as relates to that Parish, is to be deposited for public Inspection with the Officer or Person with whom, under the Standing Orders aforesaid, the Promoters would be obliged to deposit the same if they were proceeding in the same Case by a Railway Bill.

Advertisements as to Application.

8. After all the Deposits aforesaid have been made, Notice of the Application to the Board of Trade is to be given by Advertisement published as follows, namely:

Where the Railway will be situate wholly in One County, City, or Town, or County of a City or Town, then once in each of Three successive Weeks in some One and the same Newspaper of

of that County, City, or Town, or County of a City, or Town:

Where the Railway will not be situate wholly in One County, City, or Town, or County of a City or Town, then once in each of Three successive Weeks in some One and the same Newspaper of the County, City, or Town, or County of a City or Town, wherein the Head Office of the Promoters is situate, and also once in each of Three successive Weeks in some One and the same Newspaper of each County, City, or Town, or County of a City or Town, wherein any Part of the Railway will be situate:

If in any Case there is not any such Newspaper as herein-before described, then in like Manner in a Newspaper of some adjoining or neighbouring County:

In every Case, once at least in the London, Edinburgh, or Dublin Gazette, respectively, if the Railway will be situate wholly in England or Scotland, or in Ireland; and both in the London and in the Edinburgh Gazette, if the Railway will be situate partly in England and partly in Scotland.

9. The Advertisements are to be published either in the Month of June or in the Month of November and not at any other Time.

10. Each Advertisement is to give the Address of an Office in London where Copies of the Draft Certificate will be supplied as herein-after directed.

11. Each Advertisement is to state that all Persons desirous of making any Representation to the Board of Trade, or of bringing before them any Objection, respecting the Application, may do so by Letter addressed to the Secretary of the Board of Trade, on or before the First Day of August or First Day of January next succeeding the Date of the Advertisement, according as the same is published in the Month of June or in the Month of November.

Deposit of Copies of Advertisements.

12. Within One Week after the Publication of the latest Advertisement, a Copy of each of the Newspapers and Gazettes containing the several Advertisements is to be lodged at the Office of the Board of Trade.

13. Within the same Time, a printed Copy of the Gazette Advertisement is to be deposited for public Inspection in each of the same Offices, and with each of the same Officers and Persons, in which or with whom the Maps, Plans, Sections, and Books of Reference or Parts thereof were deposited.

14. The last-mentioned Deposit of a Copy of the Gazette Advertisement may be made (if the Promoters choose) by means of a registered Post Letter, and any Deposit so made shall be deemed made on the Day on which such Letter would be delivered in ordinary course of Post.

Note of Time of Deposit.

15. Where any Document is deposited under these Rules for public Inspection, the Clerk of the Peace, Sheriff Clerk, or other Officer or Person, in whose Office or with whom it is deposited, is to make thereon a Memorial in Writing denoting the Time at which it was deposited.

Notice

Notice to Road Trustees.

16. Where any Part of a Turnpike Road or Public Highway is intended to be taken or used, or to be diverted or otherwise interfered with, for the Purposes of the Railway, the Promoters in the Month of June or November (as the Case may be) in which the Advertisements are published are to serve Notice of the Application on the Trustees or other Persons having the Management of such Road or Highway.

Notice of Opposition.

17. Notice of Opposition by a Railway or Canal Company is to be lodged at the Office of the Board of Trade, not later than the First Day of August or First Day of January next succeeding the Date of the Advertisement of Application, according as the same is published in the Month of June or in the Month of November.

Notice of Settlement of Draft Certificate.

18. On the Draft Certificate being settled by the Board of Trade, the Promoters are to serve a Copy thereof, with a Notice that the Draft has been settled by the Board of Trade, on every Company, Body, or Person, by whom any Representation or Objection respecting the Application was made to or brought before the Board of Trade, and are also to give by Advertisement or otherwise such public or other Notice (if any) thereof, as according to the Circumstances of the Case the Board of Trade direct.

Supply of Copies of Draft Certificate.

19. From the Time of the Publication of the first Advertisement the Promoters are to keep in the Office mentioned in this Behalf in the Advertisement, a sufficient Number of Copies of the Draft of the Certificate as proposed by them, and are to furnish there Copies to all Persons applying for them at the Price of not more than Sixpence each.

20. From the Time of the Settlement of the Draft Certificate by the Board of Trade, the Promoters are to keep in the Office aforesaid Copies of the Draft supplied to them for that Purpose by the Board of Trade, and are to furnish there Copies thereof to all Persons applying for them at such Price (if any) as the Board of Trade from Time to Time direct.

Deposit of Money.

21. The Deposit of Money or Government Securities in Court is to be made within One Month after Notice from the Board of Trade that they are prepared to issue the Certificate.

Printing of Certificate.

22. Copies of the Certificate printed by the Printers of a Gazette are to be printed on ordinary White Folio Paper, similar in Size to the Paper on which the Public General Acts of Parliament are printed for public Sale.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

Passed in the SIXTH Session of the EIGHTEENTH Parliament of the United Kingdom of *Great Britain* and *Ireland*.

27° & 28° VICT.

i. AN Act to confer certain Powers on the *Llanelly* Railway and Dock Company with respect to their Capital.

ii. An Act to enable the Dock Company at *Kingston-upon-Hull* to raise a further Sum of Money.

iii. An Act for granting further Powers to "The *Newry and Greenore* Railway Company."

iv. An Act to enable the Metropolitan Board of Works to provide a public Park for the South-eastern Districts of the Metropolis, to be called *Southwark Park*.

v. An Act to amend the existing Acts of the *Folkestone* Waterworks Company, and to confer further Powers upon the Company.

vi. An Act for better supplying *Matlock Bath* in the County of *Derby* with Water.

vii. An Act for altering the *Marple New Mills and Hayfield Junction* Railway; extending the Time for Completion of Portions thereof; and for other Purposes.

viii. An Act to empower the *Southwark and Vauxhall* Water Company to raise further Money; and for other Purposes.

ix. An Act for granting certain Powers to "The *Chertsey* Gas Consumers Company (Limited)."

x. An Act for granting further Powers to the *Kingston-upon-Thames* Gas Company.

xi. An Act to incorporate "The *Tunbridge Wells* Gas Company;" to extend their Limits for supplying Gas; to repeal the Deeds of Settlement under which the Company is established; to authorize the raising of further Capital; and for other Purposes.

xii. An Act to alter and regulate the Capital and Borrowing Powers

Powers of the *Dublin and Belfast Junction* Railway Company; and for other Purposes.

xiii. An Act to enable the *Carmarthen and Cardigan* Railway Company to make a Branch Railway near *Kidwelly* in *Carmarthenshire.*

xiv. An Act to authorize the *Dovor* Gaslight Company to purchase certain Land; to raise more Money; and for other Purposes.

xv. An Act to amend the Metropolitan Meat and Poultry Market Act, 1860, and other Acts, with respect to the borrowing of Money; and for other Purposes.

xvi. An Act for granting further Powers to "The *Calne* Railway Company."

xvii. An Act to enable the *Ipswich* Gaslight Company to increase their Capital.

xviii. An Act to enable the *Swansea Vale* Railway Company to raise a further Sum of Money.

xix. An Act to enable the *South Yorkshire* Railway and River *Dun* Company to extend their Railway to the *Midland* Railway at *Barnsley.*

xx. An Act to enable the *North-eastern* Railway Company to construct a Branch Railway and Works between *Church Fenton* and *Micklefield,* in the County of *York;* to raise additional Capital; and for other Purposes.

xxi. An Act to amend "The *Salisbury* Railway and Market House Act, 1856;" and to enable the Company thereby incorporated to increase their Capital; and for other Purposes.

xxii. An Act to extend the Time limited for the Purchase of certain Lands by Acts relating to the *Llanidloes and Newtown* Railway Company; and to authorize that Company to raise and apply Money to the general Purposes of their Undertaking; and for other Purposes.

xxiii. An Act for incorporating and granting other Powers to "The *Salisbury* Gaslight and Coke Company."

xxiv. An Act for repairing and maintaining the *Sudden Bridge and Bury* Roads in the County Palatine of *Lancaster;* and for other Purposes.

xxv. An Act to enable the *Haslingden and Rawtenstall* Waterworks Company to raise a further Sum of Money, and to construct Works; and for other Purposes.

xxvi. An Act to enable the *Great North of Scotland* Railway Company to contribute further Monies to certain Undertakings.

xxvii. An Act for enabling the *Huntingdon and Godmanchester* Gas and Coke Company (Limited) to acquire additional Land.

xxviii. An

xxviii. An Act to enable the *Dublin and Meath* Railway Company to raise a further Sum of Money; and for other Purposes.

xxix. An Act to authorize the *Edgware, Highgate, and London* Railway Company to extend their Railway to the *Alexandra Park;* and for other Purposes.

xxx. An Act for lighting with Gas the Townships of *Clayton, Allerton,* and *Thornton,* and certain neighbouring Townships or Parts thereof in the West Riding of the County of *York.*

xxxi. An Act for amalgamating the Undertakings of the *Commercial* Dock Company and of the *Grand Surrey* Docks and Canal Company; for consolidating and amending their Acts; and for other Purposes.

xxxii. An Act to confer Powers on the *Lancashire and Yorkshire* Railway Company for the Execution of new Works and the Acquisition of additional Lands, and otherwise in relation to their Undertaking; and for other Purposes.

xxxiii. An Act to make Provision for equalizing the Revenue and Expenditure of the *Aberbrothwick* Harbour Trust; to enable the Trustees to borrow a further Sum of Money; and for other Purposes relating to the said Harbour.

xxxiv. An Act to enable the *Anglesey Central* Railway Company to make a Deviation of a Portion of their authorized Line.

xxxv. An Act to enable the *London, Brighton, and South Coast* Railway Company to provide Station Accommodation at *Kemp Town, Brighton,* and to construct a new Railway in connexion therewith; and for other Purposes.

xxxvi. An Act to incorporate the *Pontypridd* Waterworks Company (Limited), and to make further Provision for the Supply of Water to the Town of *Pontypridd* and the Neighbourhood thereof.

xxxvii. An Act to extend the Term and amend the Provisions of the Act relating to the *Thornset* Turnpike Roads.

xxxviii. An Act to re-incorporate the *Bedford* Gaslight Company, and make further Provision for lighting the Borough of *Bedford* in the County of *Bedford* and certain neighbouring Parishes with Gas.

xxxix. An Act for authorizing the Governor and Company of *Chelsea* Waterworks to raise further Monies; and for other Purposes.

xl. An Act to incorporate the *Stroud* Gaslight and Coke Company, and make further Provision for lighting the Borough of *Stroud* and Parish of *Eastington* with Gas; and for other Purposes.

xli. An

xli. An Act to enable the *Swansea* Harbour Trustees to construct additional Works, and to raise a further Sum of Money for the Purposes of their Undertaking; and for other Purposes.

xlii. An Act for better supplying the Town of *Drogheda* and Neighbourhood thereof with Water; and for other Purposes.

xliii. An Act to repeal *An Act for repairing the Road from the present Turnpike Road in the Parish of* Hursley *in the County of* Southampton *to* Andover, *and from thence to* Newbury, *and from* Newbury *to* Chilton Pond *in the County of* Berks, and for granting more effectual Powers in lieu thereof.

xliv. An Act for the making and maintaining a Bridge over the River *Thames* or *Isis*, near the Ferry at *Clifton Hampden* in the County of *Oxford*, with Approaches thereto; and for other Purposes.

xlv. An Act to incorporate the *Deal and Walmer* Gaslight and Coke Company, Limited, and to make further Provision for lighting the Town of *Deal* and Parish of *Walmer* and certain neighbouring Places with Gas.

xlvi. An Act for extending the Powers of "The *Chichester* Harbour Embankment Act, 1859."

xlvii. An Act to enable the Corporations of the Boroughs of *Ashton-under-Lyne* and *Stalybridge* to provide a further Supply of Water for those Boroughs and the Neighbourhood thereof respectively; and for other Purposes.

xlviii. An Act for authorizing the Improvement of the Harbour of *Porth Cawl*, to confirm Arrangements relative thereto between the *Llynvi Valley* Railway Company and the *Ogmore Valley* Railways Company; and for other Purposes.

xlix. An Act to enable the *North-eastern* Railway Company to construct Railways between their Main Line near *York* and the *Great Northern* Railway near *Doncaster;* to raise additional Capital; and for other Purposes.

l. An Act for continuing the Term of and otherwise amending the Act relating to "The *Pucklechurch* or Lower District of Roads," in the Counties of *Gloucester* and *Wilts*.

li. An Act for extending the Time for the Purchase of Lands and the Completion of the Works authorized by "The *Greenwich and South-eastern* Docks Act, 1859."

lii. An Act to continue the *Hedon and Patrington* Turnpike Trust in the East Riding of the County of *York;* and for other Purposes.

liii. An Act to repeal the Acts relating to the *Newport* (*Monmouthshire*) Turnpike Trust and the *Caerleon* Turnpike Trust,

Trust, and to amalgamate those Trusts; and for other Purposes.

liv. An Act for the *Portmadoc and Beaver Pool Bridge* Turnpike Roads in the Counties of *Merioneth* and *Carnarvon*.

lv. An Act to give effect to the Provisions of "The *West Yorkshire* Railway Act, 1863," with reference to the Admission of the *North-eastern* and *Lancashire and Yorkshire* Railway Companies to become joint Owners with the *West Yorkshire* Railway Company of the *Methley* Railway; and for other Purposes.

lvi. An Act for incorporating the *Hertford* Gaslight Company, for extending their Limits for supplying Gas, for the Increase and Regulation of their Capital; and for other Purposes.

lvii. An Act to amend the "*London* Necropolis and National Mausoleum Amendment Act, 1855," and for other Purposes.

lviii. An Act for authorizing the *Cowes and Newport* Railway Company to make and maintain Extension and Branch Railways in the *Isle of Wight*, and to raise Funds for the Purpose; and for other Purposes.

lix. An Act to extend the Term and amend the Provisions of the Act relating to the Turnpike Road from *Brough Ferry* to *South Newbald Holmes*, and from *Brough* to *Welton*, in the East Riding of the County of *York*.

lx. An Act to enable the *Caledonian* Railway Company to make a Branch Railway from their *Rutherglen and Coatbridge* Branch to *Tennochside* in the County of *Lanark*; and for other Purposes.

lxi. An Act to authorize the Corporation of the City of *London* to form a Viaduct or raised Way across the *Holborn Valley*, and new Streets and Improvements connected therewith; and for other Purposes.

lxii. An Act to authorize Arrangements between the *Bedford and Cambridge* and *London and North-western* Railway Companies; and for other Purposes.

lxiii. An Act to authorize the *Stirling* Waterworks Commissioners to make and maintain additional Reservoirs and other Works, and to extend the Supply of Water; and for other Purposes.

lxiv. An Act for incorporating the *Salop* Fire Office, and for other Purposes relating thereto.

lxv. An Act to enable the *Trent, Ancholme, and Grimsby* Railway Company to raise further Money.

lxvi. An Act to confer upon the *Westminster Palace* Hotel Company, Limited, further Powers with respect to Arrangements between them and Her Majesty's Principal Secretary of

of State in Council of *India*, and for other Purposes connected with their Undertaking.

lxvii. An Act to enable the *North-eastern* Railway Company to make Branch Railways and other Works in the Counties of *Durham* and *Cumberland;* to raise additional Capital; and for other Purposes.

lxviii. An Act to incorporate the *Scarborough Valley* Bridge Company; to authorize the Construction of a Bridge over the *Ramsdale Valley* in *Scarborough*, with Approaches; and for other Purposes.

lxix. An Act for making further Provision with respect to the Investment of Monies of the *Rock* Life Assurance Company; and for other Purposes.

lxx. An Act for more effectually repairing certain Roads from *Scaddow Gate* in the Parish of *Ticknall* to the *Burton-upon-Trent and Ashby* Road, and other Roads connected therewith, and for making new Branches of Road, in the Counties of *Derby* and *Leicester;* and for other Purposes.

lxxi. An Act to authorize Arrangements of the Capital of the *North-western* Railway Company.

lxxii. An Act to authorize the Construction of new and widening and altering of existing Streets and other Improvements in the Borough of *Liverpool;* and for other Purposes.

lxxiii. An Act for making further Provision with respect to the sanitary Condition of the Borough of *Liverpool;* and for other Purposes.

lxxiv. An Act for continuing the Term of the Turnpike Road from *Chesterfield* to *Hernstone Lane Head*, with its Branches, all in the County of *Derby;* and for other Purposes.

lxxv. An Act to incorporate a Company for making "The *Chichester and Midhurst* Railway."

lxxvi. An Act for making a Railway from the *Northampton and Banbury Junction* Railway to the *Great Western* Railway at *Stratford-on-Avon.*

lxxvii. An Act to authorize the Transfer of the Undertaking of the *South Yorkshire* Railway and River *Dun* Company to the *Manchester, Sheffield, and Lincolnshire* Railway Company.

lxxviii. An Act to grant to the *Manchester, Sheffield, and Lincolnshire* Railway Company certain Powers with respect to the *Stockport and Woodley Junction, Cheshire Midland, Stockport, Timperley, and Altrincham Junction*, and *West Cheshire* Railways, and to empower the Company to enlarge its Canal Premises in *Manchester;* and for other Purposes.

lxxix. An Act to enable the *Tendring Hundred* Railway Company

pany to alter their Line to *Walton* in *Essex;* and for other Purposes.

lxxx. An Act for making a Railway from the *Lancashire and Yorkshire* Railway at *Chatburn* to the *North-western* Railway at *Settle,* to be called "The *Ribblesdale* Railway;" and for other Purposes.

lxxxi. An Act to amalgamate the *Alva* Railway Company with the *Edinburgh and Glasgow* Railway Company.

lxxxii. An Act for vesting the *Alyth* Railway, by way of Lease, in the *Scottish North-eastern* Railway Company; to enable the *Alyth* Railway Company to raise additional Capital; and for other Purposes.

lxxxiii. An Act to enable the *Perth, Almond Valley, and Methven* Railway Company to raise additional Capital, and to sell their Undertaking to the *Scottish North-eastern* Railway Company, and to enable that Company to purchase the same; and for other Purposes.

lxxxiv. An Act to authorize the *North British* Railway Company to make a Railway from the *Carlisle and Silloth Bay* Railway in the Parish of *Holme Cultram* to the *Maryport and Carlisle* Railway in the Parish of *Wigton,* all in the County of *Cumberland;* and for other Purposes.

lxxxv. An Act for better supplying the Borough of *Wrexham* and Neighbourhood thereof with Water; and for other Purposes.

lxxxvi. An Act to authorize the Construction of a Railway from *Ely,* through *Haddenham,* to *Sutton,* in *Cambridgeshire.*

lxxxvii. An Act for authorizing the *London and South-western* Railway Company to make and maintain a Railway from the *London and South-western* Railway at *Chertsey* to the *Staines and Wokingham* Railway at *Egham;* and for other Purposes.

lxxxviii. An Act to empower the *Salisbury and Yeovil* Railway Company to acquire additional Lands, and to raise more Money; and for other Purposes.

lxxxix. An Act to enable the *South Staffordshire* Waterworks Company to construct additional Works, and obtain a further Supply of Water, and to extend their Supply of Water into other Districts; and for other Purposes.

xc. An Act for making a Railway from the *Lynn and Hunstanton* Railway at *Heacham* to the *Great Eastern* Railway at *Wells,* to be called "The *West Norfolk Junction* Railway," all in the County of *Norfolk.*

xci. An Act to enable the *West Riding and Grimsby* Railway Company to make a Station at *Wakefield,* and for other Purposes with relation to that Company.

xcii. An

xcii. An Act for incorporating the *Ulverston* Gaslight and Coke Company, and for conferring upon them further Powers for the Supply of Gas to the Township of *Ulverston*, and certain neighbouring Townships and Parishes, in the County of *Lancaster*.

xciii. An Act to empower the *Kent Coast* Railway Company to acquire additional Lands, and to raise more Money, and to make further Provision for the Lease of their Undertaking to the *London, Chatham, and Dover* Railway Company; and for other Purposes.

xciv. An Act to empower the *Crystal Palace and South London Junction* Railway Company to make a Railway to connect their authorized Railway with the *Greenwich* Line of the *London, Chatham, and Dover* Railway Company, and to let or transfer their Undertaking to the *London, Chatham, and Dover* Railway Company; and for other Purposes.

xcv. An Act to authorize the *Great Eastern* Railway Company to make a Railway from their *Loughton* Line to near *Highbeech Green* in *Epping Forest*.

xcvi. An Act to authorize the *London, Chatham, and Dover* Railway Company to run Steam Vessels between *Ramsgate* and certain Foreign Ports, and to provide Accommodation for Steam Boat Traffic at *Ramsgate* and *Dover*, and for incidental Purposes.

xcvii. An Act for authorizing the *Oswestry, Ellesmere, and Whitchurch* Railway Company to raise a further Sum of Money.

xcviii. An Act for authorizing the *South-eastern* Railway Company to make and maintain an Extension of their Railway to *Westerham*, and to raise further Monies; and for other Purposes.

xcix. An Act for authorizing the *South-eastern* Railway Company to make and maintain Extensions of their Railway to *Cranbrook, Hythe*, and *Sandgate* respectively, and to raise further Monies; and for other Purposes.

c. An Act to sanction an Agreement between the *North British* Railway Company and the *Scottish Central* Railway Company with respect to the General Station at *Perth;* and for other Purposes.

ci. An Act to enable the *Witney* Railway Company to raise a further Sum of Money; and for other Purposes.

cii. An Act for repairing the Road from *North Shields* in the County of *Northumberland* to the Town of *Newcastle-upon-Tyne;* and for other Purposes.

ciii. An Act to incorporate a Company for holding Markets and Fairs in the Town and Parish of *Wellington* in the County of *Salop;* and for other Purposes.

civ. An Act to grant a further Term in the Road from or near *Mytholm Royd Bridge* in the West Riding of the County of *York* communicating with the Road at or near to the Sixth Milestone from *Rochdale* in the County of *Lancaster*, and further Powers for the Management thereof; to alter the Rights of the existing Creditors of the Trust, and to repeal the existing Act; and for other Purposes.

cv. An Act to amend the Act 3 *Victoria*, Chapter 44. for regulating and preserving the Harbour of *Workington* in the County of *Cumberland*, in relation to the Securities to be granted for borrowed Money; and for other Purposes.

cvi. An Act to enable the *Belfast and Northern Counties* Railway Company to make a Railway or Tramway at *Portrush*; and to purchase additional Lands; and to extend the Period at present limited for the Sale of certain superfluous Lands of the said Company; and for other Purposes.

cvii. An Act to incorporate the Proprietors of the *North Cheshire* Waterworks Company, Limited, and to confer on them further Powers for the Supply of Water; and for other Purposes.

cviii. An Act for enabling the Local Board of Health for the Borough of *Lancaster* to construct and maintain an improved System of Waterworks for the Supply of the Borough and of adjacent Places with Water; to authorize certain Street Improvements in the Borough of *Lancaster*; and to give Powers of Sale or Mortgage over *Lancaster Marsh*; and for other Purposes.

cix. An Act to grant further Powers to the *Nottingham* Gaslight and Coke Company.

cx. An Act to enable the *Stockton and Middlesbrough* Waterworks Company to extend their Limits for the Supply of Water; to construct additional Works; to raise additional Capital; to alter and amend their existing Act; and for other Purposes.

cxi. An Act to authorize the *Scottish North-eastern* Railway Company to construct a Railway to connect their Railway with the *Great North of Scotland* Railway at *Aberdeen*; to confer Powers and Obligations on them, and on the *Great North of Scotland* Railway Company; and for other Purposes.

cxii. An Act to authorize the Construction of a Dock, Piers, a Railway, and other Works at or near *Deal*, and a navigable Channel therefrom to *Sandwich*, all in the County of *Kent*; and for other Purposes.

cxiii. An Act for authorizing the *North and South Western Junction* Railway Company to acquire additional Lands for the

the purposes of their Undertaking; and to raise further Monies; and for other Purposes.

cxiv. An Act for authorizing the *Okehampton* Railway Company to make certain Deviations from their authorized Lines; and for other Purposes.

cxv. An Act to enable the *Scottish North-eastern* Railway Company to make a new Railway from *Newtyle* to the *Meigle* Station on the *Scottish North-eastern* Railway; and for other Purposes.

cxvi. An Act to confirm an Agreement for the Amalgamation of the *Globe* Insurance Company with the *Liverpool and London* Fire and Life Insurance Company, and to alter the Name of the last-mentioned Company; and for other Purposes.

cxvii. An Act to confer further Powers on the *Wallasey* Local Board; and for other Purposes.

cxviii. An Act for vesting, by way of Lease in perpetuity, the *Newcastle-under-Lyme* Canal, and the Canal Extension Railway belonging thereto, in the *North Staffordshire* Railway Company; and for other Purposes.

cxix. An Act for erecting and maintaining Bridges over the River *Severn* near *Shrewsbury*, and for making convenient Approaches thereto.

cxx. An Act for incorporating "The *Lymington* Harbour and Docks Company," and authorizing them to make and maintain the *Lymington* Harbour and Docks, and a Railway and other Works in connexion therewith; and for other Purposes.

cxxi. An Act for better supplying with Water the Town of *Whitehaven* and its Neighbourhood; and for other Purposes.

cxxii. An Act to authorize the making of a Railway from the *Great Eastern* Railway to *North Walsham* in the County of *Norfolk;* and for other Purposes.

cxxiii. An Act to enable the *London, Brighton, and South Coast* Railway Company to make new Railways from the *Ouse* Viaduct on their Main Line to *Uckfield* and *Hailsham;* and for other Purposes.

cxxiv. An Act to enable the *Great Northern* Railway Company to use certain Portions of the *Great Eastern* Railway, and to make Arrangements with the *Great Eastern* Railway Company.

cxxv. An Act to amend the Railway Passengers Assurance Company's Act, 1852, and to confer additional Powers upon the said Company.

cxxvi. An Act for authorizing a Deviation and Extensions of the *Dublin, Wicklow, and Wexford* Railway; and for other Purposes.

cxxvii. An

cxxvii. An Act for authorizing the *Falmouth* Docks Company to make and maintain additional Works, and to raise further Monies; and for other Purposes.

cxxviii. An Act to enable the *West Shropshire Mineral* Railway Company to make certain New Lines of Railway, and to use a Portion of the *Oswestry and Newtown* Railway and the *Llanymynech* Station of that Railway; and for other Purposes.

cxxix. An Act to authorize the Consolidation of the separate Capitals of the *Sevenoaks, Maidstone, and Tunbridge* Railway Company; to extend the existing Arrangements between them and the *London, Chatham, and Dover* Railway Company; to authorize the Sale or Lease of their Undertaking to that Company; and for other Purposes.

cxxx. An Act for enabling the Pneumatic Despatch Company (Limited) to purchase Lands and extend their Works.

cxxxi. An Act for empowering the Commissioners of the Harbour of *Tralee* to raise Money, and for other Purposes.

cxxxii. An Act to enable the *Glasgow and South-western* and the *Caledonian* Railway Companies to make certain Branches and other Works, and to acquire additional Lands in connexion with their Joint Line of Railway between *Glasgow* and *Paisley;* and for other Purposes.

cxxxiii. An Act for maintaining the public Roads and Bridges in the Stewartry of *Kirkcudbright.*

cxxxiv. An Act to extend the Time for completing the *Henley-in-Arden* Railway, and to raise additional Capital.

cxxxv. An Act to enable the Metropolitan Board of Works to purchase additional Lands and to make further Improvements in the Parish of *Saint Mary, Lambeth,* in the County of *Surrey,* for the Purposes of "The *Thames* Embankment Act, 1863."

cxxxvi. An Act to extend the Time for the Purchase of Land and completing the Extension Line to the River *Avon* of the *Bristol and South Wales Union* Railway; to authorize the Purchase of additional Lands; and for other Purposes.

cxxxvii. An Act for extending the Limits of the *Bolton* Gas Company's Act, 1854, and for other Purposes.

cxxxviii. An Act for the Amendment of the *Bolton and Saint Helen's* Turnpike Roads Act, 1860.

cxxxix. An Act to make Provision for the Maintenance and Management of public Roads in *Zetland.*

cxl. An Act to consolidate and amend the Acts relating to the Harbour of Port *Glasgow.*

cxli. An Act for making and maintaining a Market in the Parish

Parish of *St. George the Martyr, Southwark,* in the County of *Surrey.*

cxlii. An Act to enable the *Mid Wales* Railway Company to make a Railway to join the *Central Wales Extension* Railway in the Parish of *Llanelwedd* in the County of *Radnor;* and to confer upon the said Company further Powers with respect to Roads crossed by their Railway, and with respect to the Purchase of Lands; and to enable the said Company to let their Railway on Lease; and to raise further Sums; and for other Purposes.

cxliii. An Act for authorizing the Construction of a Railway, to be called "The *Halifax and Ovenden Junction* Railway;" and for other Purposes.

cxliv. An Act to authorize the *Mistley, Thorpe, and Walton* Railway Company to make a Railway to connect their Line with an authorized Extension of the *Tendring Hundred* Railway Company; and for other Purposes.

cxlv. An Act for making further Provision with respect to the *Liverpool Exchange* Buildings and the *Exchange* Area, and for authorizing the *Liverpool Exchange* Company to raise further Monies; and for other Purposes.

cxlvi. An Act for the Amalgamation of the *North Kent* Waterworks Company and their Undertaking and Property with the *Kent* Waterworks Company and their Undertaking and Property, and for the Dissolution of the *North Kent* Waterworks Company; and for authorizing the *Kent* Waterworks Company to raise further Monies; and for other Purposes.

cxlvii. An Act for authorizing the *Aberystwith and Welsh Coast* Railway Company to acquire additional Lands, and to raise further Monies; and for authorizing the *Oswestry and Newtown* Railway Company to contribute further Monies towards the Funds of that Company; and for other Purposes.

cxlviii. An Act to re-incorporate the *Newcastle-upon-Tyne and Gateshead Union* Gaslight Company, and to make better Provision for lighting with Gas the Boroughs of *Newcastle-upon-Tyne* and *Gateshead,* and several neighbouring Parishes and Townships in the Counties of *Northumberland* and *Durham;* and for other Purposes.

cxlix. An Act for incorporating a Company for making a Railway in the County of *Lancaster,* to be called "The *Garstang and Knot End* Railway;" and for other Purposes.

cl. An Act to authorize the *Globe* Telegraph Company (Limited) to construct and maintain Telegraphs; to acquire and work Letters Patent relating to Electro-magnetic Telegraphs and Apparatus; and for other Purposes.

cli. An

cli. An Act to authorize the *Severn Valley* Railway Company to raise further Sums of Money, and to make certain Works in connexion with their Railway; and for other Purposes.

clii. An Act to enable the *Nantwich and Market Drayton* Railway Company to increase their Capital; and for other Purposes.

cliii. An Act for the Purification of the Water of *Leith*, by Interception and Conveyance into the Sea of the Sewage falling into the same, and otherwise; and for other Purposes.

cliv. An Act to authorize the *London, Brighton, and South Coast* Railway Company to run Steam Vessels between *Littlehampton*, Places on the Coast of *France*, and in the *Channel Islands*.

clv. An Act for enlarging the Powers of "The *Weston-super-Mare* Pier Act, 1862;" and for other Purposes.

clvi. An Act to change the Name of the *West Shropshire Mineral* Railway Company, and to enable them to make Branch Railways and a Deviation, and to alter the Line and Levels of their Railway; and to confer upon the said Company further Powers for making, crossing, and altering public Roads, and for the Purchase of additional Lands; and for other Purposes.

clvii. An Act to amend the Acts relating to the *East Indian* Railway Company, and to authorize the Company to raise further Capital; and for other Purposes connected with their Undertaking.

clviii. An Act for making a Railway from the *Caledonian* Railway, near *Kirtlebridge* Station, to the *Maryport and Carlisle* Railway, near *Brayton* Station, with Branch Railways in connexion therewith, in the Counties of *Dumfries* and *Cumberland;* and for other Purposes.

clix. An Act to amend the Act relating to the *Phœnix* Gas Company, and to authorize such Company to raise more Capital, and purchase a certain Piece of Land; and for other Purposes.

clx. An Act to make further Provision for the Maintenance and Repair of the *Wallasey* Embankment; and for other Purposes.

clxi. An Act to authorize the *Oswestry and Newtown* Railway Company to subscribe to the *Bishop's Castle* Railway; and for other Purposes.

clxii. An Act to enable the *Independent* Gaslight and Coke Company to raise additional Capital; to define their Limits for supplying Gas; to repeal, amend, and extend the Act relating to the Company; and for other Purposes.

clxiii. An Act for making a Railway from the *Cornwall* Railway,

way, near *Burngullow*, to the *Saint Dennis* Branch of the *Newquay* Railway, near *Hendra*, in the County of *Cornwall;* and for other Purposes.

clxiv. An Act for the Construction by the *Midland* Railway Company of new Railways from their *Bristol and Birmingham* Line to the City of *Bath* and to *Thornbury;* and for other Purposes.

clxv. An Act for enabling the *Leeds, Bradford, and Halifax Junction* Railway Company to construct new Works and acquire additional Lands in the West Riding of the County of *York;* and for other Purposes.

clxvi. An Act for authorizing the *London and South-western* Railway Company to make and maintain a Line of Railway from *Kensington* to *Richmond*, and Junction Lines communicating with the *Hammersmith and City* Railway and the *North and South Western Junction* Railway respectively; and to raise further Monies; and for authorizing arrangements with divers Railway Companies; and for other Purposes.

clxvii. An Act for rendering valid Letters Patent granted to *Thomas Webster Rammell* for "Improvements in Pneumatic Railways and Tubes."

clxviii. An Act to provide for the Discharge by Deputy in certain Cases of the Functions of Warden in the University of *Durham;* and to authorize the Abolition of certain Fellowships in the said University; and to provide a further Endowment for the School of Theology, and a proposed School of Physical Science, in the said University; and for other Purposes.

clxix. An Act for supplying and lighting with Gas and supplying with Water the Town of *Barrow-in-Furness*, and the Townships of *Above Town, Ireleth, Lindal,* and *Martin, Dalton, Dalton Proper, Yarlside, Hawcoat,* and *Saint George's Barrow*, in the Parish of *Dalton-in-Furness* in the County Palatine of *Lancaster;* and for other Purposes.

clxx. An Act for making a Railway from the *Cornwall* Railway to *Bodmin*.

clxxi. An Act to authorize the *Worcester, Bromyard, and Leominster* Railway Company to purchase additional Lands; to extend the Time limited for the Purchase of Lands and for completing the Railway; and for other Purposes.

clxxii. An Act to enable the *London, Brighton, and South Coast* Railway Company to provide improved Railway Communication between *Tunbridge Wells* and *Eastbourne;* and for other Purposes.

clxxiii. An Act to enable the *Scottish North-eastern* Railway Company

Company to construct a new Line between *Dundee* and *Forfar;* to levy Tolls; to raise additional Capital; and for other Purposes.

clxxiv. An Act for authorizing an Alteration of the *Southampton and Nettey* Railway, and the Amalgamation of the *Southampton and Netley* Railway with the *London and Southwestern* Railway; and for other Purposes.

clxxv. An Act to incorporate a Company for the making of Railways in the Counties of *Carmarthen* and *Cardigan*, to be called "The *Swansea and Aberystwith Junction* Railway."

clxxvi. An Act to enable the *Wellington and Drayton* Railway Company to divert a Portion of their authorized Railway, and to transfer their Undertaking to the *Great Western* Railway Company.

clxxvii. An Act for enabling the *Hayling* Railways Company to make and maintain Railways in Extension of their authorized Railways, and to make and maintain Docks, and to raise Monies for the Purpose, and to make Arrangements with other Companies; and for other Purposes.

clxxviii. An Act for the Amalgamation of the *London* Dock Company and the *Saint Katherine* Dock Company into One Company by the Name "The *London and Saint Katherine* Docks Company," and for the Transfer to that Company and the Amalgamation with their Undertaking and Docks of the Undertaking and Docks of the *Victoria* (*London*) Dock Company; and for other Purposes.

clxxix. An Act for the *Stockport* and *Ashton* Turnpike Roads in the Counties Palatine of *Chester* and *Lancaster*, and the County of *York*.

clxxx. An Act for better supplying with Water the Borough of *Wisbech*, and certain Parishes and Places in the Counties of *Cambridge* and *Norfolk;* and for other Purposes.

clxxxi. An Act for authorizing the making of Railways from the Railway of the *Somerset and Dorset* Railway Company at *Wells* to the Railway of the *Bristol and Exeter* Railway Company at *Yatton*, and Arrangements between those Companies in relation thereto; and for other Purposes.

clxxxii. An Act for making Railways from the *Great Eastern* Railway at *East Dereham* to *Norwich*, to be called "The *Wensum Valley* Railway;" and for other Purposes.

lxxxiii. An Act to enable the *Pembroke and Tenby* Railway Company to construct new Lines of Railway; and for other Purposes.

xxxiv. An Act for the Sale to the *Bristol and Exeter* Railway Company of the Undertaking of the Company of Proprietors

prietors of the *Grand Western* Canal, and for the Abandonment of a Portion of the Canal; and for other Purposes.

clxxxv. An Act to enable the *Newry and Armagh* Railway Company to raise further Capital, and for other Purposes.

clxxxvi. An Act to authorize the Construction of a Railway from *Carnarvon* to *Llanberis* in the County of *Carnarvon*.

clxxxvii. An Act for the Construction of an Embankment, Docks, and other Works, and the Reclamation and Acquisition of Lands near *Fleetwood* in the County Palatine of *Lancaster;* and for other Purposes.

clxxxviii. An Act for making a Railway from the *Merthyr, Tredegar, and Abergavenny* Railway to *Crickhowell;* and for other Purposes.

clxxxix. An Act for making a Railway from the Town of *Crieff* to the *Perth, Almond Valley, and Methven* Railway near *Methven;* and for other Purposes.

cxc. An Act to authorize the Construction of a Railway in *Middlesex*, to be called "The *Midland and South-western Junction* Railway."

cxci. An Act for the Extension of the Municipal Limits of the City of *Londonderry*, and for the Increase of the Jurisdiction of the Court of Conscience there; and for the further Improvement of the City; and for raising further Monies; and for other Purposes.

cxcii. An Act for authorizing the *Charing Cross* Railway Company to acquire additional Lands at or near to their *Cannon Street* Station in the city of *London*, and to raise further Monies; and for other Purposes.

cxciii. An Act for more effectually maintaining, keeping in repair, and improving the Roads, Highways, and Bridges within the County of *Peebles;* and for other Purposes.

cxciv. An Act for affording increased Facilities for the Transmission of Traffic between the Railways of the *London and North-western* Railway Company and Railways in *Ireland;* and for other Purposes.

cxcv. An Act to authorize the *London, Chatham, and Dover* Railway Company to construct additional Works and acquire additional Lands; to alter the Works and Powers (connected with or affecting their Undertaking) of other Companies, Bodies, and Persons; and to amend the Acts relating to the above-named Company, to *Dover* and to *Margate;* and for other Purposes.

cxcvi. An Act to authorize the *Shrewsbury and Welchpool* Railway Company to transfer or lease their Undertaking to the *London and North-western* Railway Company, or to the *London and North-western* and *Great Western* Railway Companies.

 cxcvii. An

cxcvii. An Act for making a Railway from *Helston* to *Penryn* in the County of *Cornwall;* and for other Purposes.

cxcviii. An Act for giving Effect to an Award relating to the Borough of *Belfast,* and for confirming Things done with a view to the Execution of the Acts for the Improvement of the Borough; and for other Purposes.

cxcix. An Act to enable the *Kington and Eardisley* Railway Company to extend their authorized Line of Railway to *Presteign,* and to use a Portion of the *Leominster and Kington* Railway, and make Agreements with other Companies; and for other Purposes.

cc. An Act for making a Railway from the *Great Western* Railway, near *Harbury,* to the *London and North-western* Railway, near *Birdingbury,* in the County of *Warwick.*

cci. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of *Bolton* to construct additional Waterworks; to acquire the *Turton and Entwisle* Reservoir; to provide a public Park and Town Hall; and for other Purposes.

ccii. An Act to enable the *Great Northern* Railway Company to extend their Railway to the Town of *Barnet;* to improve their Station at *King's Cross;* and for other Purposes.

cciii. An Act to further amend and extend the Acts for the Improvement of the Navigation of the Rivers *Burry, Loughor,* and *Lliedi,* in the Counties of *Carmarthen* and *Glamorgan,* and for the Improvement of the Harbour of *Llanelly* in the said County of *Carmarthen;* and to grant certain Powers to the *Llanelly* Railway and Dock Company and the *South Wales* Railway Company in relation to the Improvement of the said Harbour; and for other Purposes.

cciv. An Act for incorporating a Company, and for making and maintaining the *Macclesfield, Bollington, and Marple* Railway; and for other Purposes.

ccv. An Act to authorize the Construction of a Railway from the *Watford and Rickmansworth* Railway at *Watford* to the *Edgware, Highgate, and London* Railway at *Edgware.*

ccvi. An Act for making and maintaining Highways, Bridges, Quays, and Ferries; and for regulating Ferries in the Shire of *Argyll.*

ccvii. An Act for making a Railway from the *Staines, Wokingham, and Woking* Railway to *Cambridge Town* in the County of *Surrey;* and for other Purposes.

ccviii. An Act to consolidate and amend the Acts relating to the Harbour of *Ardrossan,* and to provide for the Improvement of the said Harbour.

ccix. An Act to enable "The *Whitby* Waterworks Company (Limited)" to supply with Water the Town and Borough of *Whitby,*

Whitby, and the Neighbourhood thereof, in the Parish of *Whitby* in the North Riding of the County of *York;* and for other Purposes.

ccx. An Act to extend the *Bourton-on-the-Water* Railway towards *Cheltenham;* to amend the Act relating to the *Bourton-on-the-Water* Railway Company; and for other Purposes.

ccxi. An Act for enabling the *Isle of Wight* Ferry Company to raise additional Capital; and for other Purposes.

ccxii. An Act to form into a separate Undertaking Part of the City Lines of the *London, Chatham, and Dover* Railway Company, and to provide for a Contribution thereto by the *Great Northern* Railway Company, and to consolidate some of the Stocks and Shares of the first-named Company; and for other Purposes.

ccxiii. An Act to enable the *Mersey* Docks and Harbour Board to raise a further Sum of Money for the Purpose of increasing the Accommodation of the Dock Estate on the *Liverpool* Side of the River *Mersey*, and to make a Diversion of *Derby* and *Victoria* Roads; and for altering certain Rates; and for other Purposes.

ccxiv. An Act to improve and extend the *Dundee and Newtyle* Railway; and for other Purposes.

ccxv. An Act for authorizing the Extension and Maintenance of Tramways in the Parish of *Erith* in the County of *Kent;* and for other Purposes.

ccxvi. An Act to authorize the Construction of a Railway and Branch Railway, to be called "The *Waterford and Wexford* Railway," and of a Harbour in *Greenore Bay;* and for other Purposes.

ccxvii. An Act to enable the *Aylesbury and Buckingham* Railway Company to raise a further Sum of Money; and for other Purposes.

ccxviii. An Act to extend the Powers of the *Llanelly* Railway and Dock Company.

ccxix. An Act to authorize the *London and Blackwall* Railway Company to enlarge certain of their Stations and Works; and for other Purposes.

ccxx. An Act to authorize the *Stamford and Essendine* Railway Company to make a Railway from their Railway to join the *Northampton and Peterborough* Branch of the *London and North-western* Railway; and for other Purposes.

ccxxi. An Act for authorizing the *Tottenham and Hampstead Junction* Railway Company to make a Railway to join the *Midland* Railway; and for other Purposes.

ccxxii. An Act for making a Railway from *Christian Malford* in

in the County of *Wilts* to *Nailsworth* in the County of *Gloucester;* and for other Purposes.

ccxxiii. An Act for authorizing the *Somerset and Dorset* Railway Company to acquire additional Lands for the Purposes of their Undertaking; and to raise further Monies; and for other Purposes.

ccxxiv. An Act to incorporate a Company for making the *Carmarthenshire* Railway, and to confer other Powers with reference thereto.

ccxxv. An Act to authorize the *Corris, Machynlleth, and River Dovey* Tramroad Company to make a new Railway; to abandon Part of their existing Undertaking; to amend their Act; and for other Purposes.

ccxxvi. An Act for conferring additional Powers on the *London and North-western* Railway Company for the Construction of Works, and otherwise in relation to their own Undertaking and the Undertakings of other Companies; for authorizing the Abandonment of certain Railways; and for other Purposes.

ccxxvii. An Act for the Amalgamation of divers Railway Companies with the *London and South-western* Railway Company; for authorizing that Company to make and maintain additional Lines of Railway, and to raise further Monies; and for other Purposes.

ccxxviii. An Act to enable the *Londonderry and Lough Swilly* Railway Company to extend their Railway towards the City of *Londonderry;* to raise additional Capital; and for other Purposes.

ccxxix. An Act to regulate the Use by the *Lynn and Sutton Bridge* Railway Company of the *Cross Keys Bridge* over the River *Nene*.

ccxxx. An Act for enabling the *Midland* Railway Company to construct a Railway from *Chesterfield* to *Sheffield;* and for other Purposes.

ccxxxi. An Act for enabling the *Midland* Railway Company to construct a Branch Railway in the Parish of *Saint Pancras;* for authorizing Arrangements with the *Metropolitan* Railway Company; and for other Purposes.

ccxxxii. An Act for making a Railway from the *Potteries* Line of the *North Staffordshire* Railway to near *Tunstall* in the Parish of *Wolstanton* in the County of *Stafford;* and for other Purposes.

ccxxxiii. An Act to authorize the Construction of a Railway from *Hartley* and *Cranbrook* to *Tenterden* in the County of *Kent;* and for other Purposes.

ccxxxiv. An Act for the Extension of the *Wrexham, Mold, and Connah's*

Connah's Quay Railway to *Whitchurch* and *Brymbo;* and for other Purposes.

ccxxxv. An Act to incorporate a Company for making a new Bridge from *Chelsea* to *Battersea*, with Approaches thereto.

ccxxxvi. An Act for the Amalgamation of the *Waterford and Limerick* Railway Company and the *Limerick and Foynes* Railway Company, and for authorizing the *Waterford and Limerick* Railway Company to work the Undertaking of the *Rathkeale and Newcastle Junction* Railway Company; and for other Purposes.

ccxxxvii. An Act for authorizing the *West London* Docks and Warehouses Company to execute further Works, and to make Arrangements with other Companies; to raise further Monies; and for other Purposes.

ccxxxviii. An Act for incorporating the *Wandsworth* Bridge Company, and for authorizing them to make and maintain the *Wandsworth* Bridge, and to make Roads leading thereto; and for other Purposes.

ccxxxix. An Act to enlarge the Powers of the *Birmingham and Staffordshire* Gaslight Company; and for other Purposes.

ccxl. An Act for authorizing the *Peterborough, Wisbeach, and Sutton* Railway Company to extend their Line of Railway; and for other Purposes.

ccxli. An Act to authorize the Construction of a Dock and other Works near the Mouth of the River *Avon*, to be called "The *Bristol* Port and Channel Dock;" and for other Purposes.

ccxlii. An Act to enable the *Great Northern* Railway Company to extend their Railway from *Lincoln* to *Sleaford;* and to authorize the Amalgamation of the *Boston, Sleaford, and Midland Counties* Railway and the *Bourn and Essendine* Railway with the *Great Northern* Railway.

ccxliii. An Act to enable the *Great Northern* Railway Company to complete their Loop Line between *Doncaster* and *Gainsborough;* and to improve the Gradients of their Railway South of *Gainsborough*.

ccxliv. An Act to enable the *Blyth and Tyne* Railway Company to raise further Sums of Money; to extend the Time limited in respect of certain of their authorized Branches; and for other Purposes.

ccxlv. An Act for enabling the *Midland* Railway Company to construct new Railways and Works, and to acquire additional Lands; and for other Purposes.

ccxlvi. An Act to empower the *North London* Railway Company to construct additional Works at *Poplar;* and for other Purposes.

ccxlvii. An Act for making a Railway from the *Dartmouth and Torbay*

Torbay Railway at *Brixham Road* Station to *Brixham* in the County of *Devon*, and a Tramway in connexion therewith; and for other Purposes.

ccxlviii. An Act to enable the Trustees of the *Clyde* Navigation to lay down Lines of Rails or Tramways upon and in connexion with the Quays at the Harbour of *Glasgow*, and to borrow additional Money; to alter certain of the Rates leviable by them; and for other Purposes.

ccxlix. An Act for better supplying with Water *Exmouth*, *Budleigh Salterton*, and the adjoining Districts within the Parishes of *Littleham* and *Exmouth*, *Withycombe Raleigh*, and *East Budleigh*, in the County of *Devon*.

ccl. An Act to authorize the Amalgamation of the *Hamilton and Strathaven* Railway Company with the *Caledonian* Railway Company; and for other Purposes.

ccli. An Act for the Incorporation of "The *West Grinstead, Cuckfield, and Hayward's Heath Junction* Railway Company," and the making and maintaining of "The *West Grinstead, Cuckfield, and Hayward's Heath Junction* Railway;" and for other Purposes.

cclii. An Act to enable the *Great Northern and Western* (of *Ireland*) Railway Company to raise a further Sum of Money.

ccliii. An Act for the Discharge of Debts of the *Irish Northwestern* Railway Company; and for authorizing divers Arrangements between that Company and other Railway Companies; and for other Purposes.

ccliv. An Act to incorporate a Company for making Railways to connect the several Railways in the Town of *Belfast*, and to construct a Central Station in *Belfast*; and for other Purposes.

cclv. An Act for incorporating "The *Milwall* Canal Company," and for authorizing them to make and maintain Canals and other Works in the *Isle of Dogs*, and thereby, and by the Appropriation of Works and Lands there, to provide Accommodation for Shipping and Waterside Accommodation for Shipbuilding and other Businesses requiring Water Frontage; and for other Purposes.

cclvi. An Act for authorizing the Construction of Docks and other Works upon or near *Hubberston Pill* at *Milford Haven* in the County of *Pembroke*; and for other Purposes.

cclvii. An Act for making Extension or Connecting Lines of Railway in the City of *Bristol*; and for other Purposes.

cclviii. An Act for incorporating a Company for making a Railway in the County of *Devon*, to be called "The *Buckfastleigh, Totnes, and South Devon* Railway;" and for other Purposes.

cclix. An Act for better lighting with Gas Parts of the Parishes of

of *Walthamstow* and *Leyton* in the County of *Essex*, and for conferring further Powers in relation thereto on the County and General Gas Consumers Company (Limited); and for other Purposes.

cclx. An Act for enabling the *Metropolitan* Railway Company to make additional Works; for extending the Time limited for the compulsory Purchase of Lands and Completion of certain Works; for authorizing the raising of additional Capital; and for other Purposes.

cclxi. An Act for better lighting with Gas Parts of the Parishes of *Northfleet, Stone*, and *Swanscombe*, in the County of *Kent*, and for conferring further Powers in relation thereto on the County and General Gas Consumers Company (Limited); and for other Purposes.

cclxii. An Act to amalgamate the *Oswestry and Newtown, Llanidloes and Newtown, Newtown and Machynlleth*, and *Oswestry, Ellesmere, and Whitchurch* Railway Companies, and to confer Powers upon the amalgamated and other Companies.

cclxiii. An Act to authorize Agreements between the *Oswestry and Newtown*, the *Llanidloes and Newtown*, the *Oswestry, Ellesmere, and Whitchurch*, the *Newtown and Machynlleth*, the *Hereford, Hay, and Brecon*, the *Brecon and Merthyr Tydfil*, and the *London and North-western* Railway Companies; and for other Purposes.

cclxiv. An Act for authorizing the *Rhymney* Railway Company to make and maintain their *Cardiff* and *Caerphilly* and other Railways; and for other Purposes.

cclxv. An Act to authorize certain Deviations from the existing and authorized Lines of the *Brecon and Merthyr Tydfil Junction* Railway Company, and to empower that Company to form a Junction with the Limestone Railway of the *Rhymney* Iron Company, and (instead of the *Vale of Neath* Railway Company) to exercise the Powers of "The *Vale of Neath* Railway Act, 1863," for constructing the *Merthyr Curve;* and to raise further Monies; and for other Purposes.

cclxvi. An Act for making a Railway from the *Great Western* Railway to *Watlington* in the County of *Oxford*.

cclxvii. An Act for constructing a Pier at *New Brighton* in the County of *Chester*.

cclxviii. An Act for the Commutation of Tithes in certain Parishes in the City of *London;* and for other Purposes.

cclxix. An Act for making a Railway from the *Cornwall* Railway to *Redruth* in the County of *Cornwall;* and for other Purposes.

cclxx. An

cclxx. An Act to enable the *Lancashire and Yorkshire* Railway Company to construct Railways between *Blackburn, Chorley, Horwich,* and *Wigan.*

cclxxi. An Act for sanctioning an Agreement between the *Caledonian* and *Edinburgh and Glasgow* Railway Companies with respect to the Construction of Branch Railways to connect their Undertakings with *Glasgow* Harbour; and for authorizing the Formation of a Joint Station there; and for other Purposes.

cclxxii. An Act for the Incorporation of "The *Ilfracombe* Railway Company," and the making and maintaining of "The *Ilfracombe* Railway;" and for other Purposes.

cclxxiii. An Act for the Construction of Railways in the County of *Lancaster,* to be called "The *Lancashire Union* Railways;" and for other Purposes.

cclxxiv. An Act to authorize the *London, Brighton, and South Coast* Railway Company to make certain Lines of Railway and other Works in and near the Parish of *Battersea* in the County of *Surrey;* and for other Purposes.

cclxxv. An Act for authorizing the *Rhymney* Railway Company to make and maintain Lines of Railway to join the *Brecon and Merthyr Tydfil Junction* Railway and the *Merthyr, Tredegar, and Abergavenny* Railway respectively; and for other Purposes.

cclxxvi. An Act to authorize the *Rickmansworth, Amersham, and Chesham* Railway Company to make and maintain a level Crossing on their Railway at *Rickmansworth;* and for other Purposes.

cclxxvii. An Act for extending the Limits within which the *Stockport* District Waterworks Company may supply Water, and for authorizing them to raise further Monies; and for other Purposes.

cclxxviii. An Act for making a Railway from the *Mid-Sussex* Railway in the Parish of *Hardham* to the *Shoreham, Steyning, and Henfield* Railway near the Town of *Steyning;* and for other Purposes.

cclxxix. An Act to empower the *Edinburgh and Glasgow* Railway Company to make Railways at *Cowlairs,* and between *Maryhill* and the River *Clyde;* to authorize the Construction of a Tramway at the Harbour of *Glasgow;* and for other Purposes.

cclxxx. An Act for the Incorporation of the *Herne Bay, Hampton, and Reculver* Oyster Fishery Company; and for authorizing them to establish and maintain an Oyster Fishery in the Estuary of the River *Thames,* and to make and maintain a Pier and a Tramway and other Works; and for other Purposes.

cclxxxi. An

cclxxxi. An Act to authorize the Construction of Railways from *Dublin* to *Rathmines, Rathgar, Roundtown, Rathfarnham,* and *Rathcoole,* and for other Purposes with relation to the said Railways.

cclxxxii. An Act to authorize the *Great Eastern* Railway Company to make several short Junction Railways for connecting different Railways in their System at various Points; and for other Purposes.

cclxxxiii. An Act to authorize the Construction of a Railway from *Alford* to *Mablethorpe* in the County of *Lincoln;* and for other Purposes.

cclxxxiv. An Act for making Railways in the Counties of *Salop* and *Stafford,* to be called "The *Drayton Junction* Railway;" and for other Purposes.

cclxxxv. An Act to authorize the Construction of Railways from *Cheltenham* to *Witney* in *Oxfordshire,* and to *Faringdon* in *Berkshire,* to be called "The *East Gloucestershire* Railway."

cclxxxvi. An Act for making and maintaining the City of *Glasgow Union* Railway; and for other Purposes.

cclxxxvii. An Act for incorporating a Company, and for making and maintaining the *Kingsbridge* Railway; and for other Purposes.

cclxxxviii. An Act for authorizing a Lease of a Portion of the Undertaking of the Company of Proprietors of the *Lancaster* Canal Navigation to the Company of Proprietors of the Canal Navigation from *Leeds* to *Liverpool,* and of the Remainder thereof to the *London and North-western* Railway Company; and for other Purposes.

cclxxxix. An Act for incorporating the *Launceston, Bodmin, and Wadebridge Junction* Railway Company, and authorizing them to make and maintain the *Launceston, Bodmin, and Wadebridge Junction* Railway; and for authorizing Arrangements between that Company and the *Okehampton* Railway Company; and for other Purposes.

ccxc. An Act to authorize the Construction of a Railway in the Borough of *Liverpool,* to be called "The *Liverpool Central Station* Railway;" and for other Purposes.

ccxci. An Act to enable the *Metropolitan* Railway Company to extend their Railway to *Notting Hill, Kensington,* and *Brompton.*

ccxcii. An Act for enabling the *Scottish Central* Railway Company to extend their Stations at *Perth* and *Dundee,* and to execute certain other Works in the Counties of *Perth, Forfar,* and *Stirling;* and for other Purposes.

ccxciii. An Act to authorize the Construction of a Railway to connect the *Swansea Vale* and *Neath and Brecon* Railways.

 ccxciv. An

ccxciv. An Act for making a Railway from the River *Tamar* in the Parish of *Calstock* to *Callington* in the County of *Cornwall;* and for other Purposes.

ccxcv. An Act to enable the *Worcester, Dean Forest, and Monmouth* Railway Company to extend their Railway to the *Great Western* Railway near *Gloucester;* and for other Purposes.

ccxcvi. An Act for vesting the Undertaking of the *Saint Helen's* Canal and Railway Company in the *London and Northwestern* Railway Company.

ccxcvii. An Act to enable the *South Wales Mineral* Railway Company to extend their Undertaking.

ccxcviii. An Act for changing the Name of the *Alton, Alresford, and Winchester* Railway Company, and for authorizing them to make and maintain Railways (the *Mid-Hants* Lines) in extension of their authorized Railways (the *Alton* Lines), and to raise Monies for the Purpose, and to make Arrangements with other Companies; and for other Purposes.

ccxcix. An Act to enable the *Great Northern and Western* (of *Ireland*) Railway Company to use a Portion of the *Midland Great Western* Railway (of *Ireland*) near *Athlone*, and to make Agreements with the *Great Southern and Western* Railway Company, and to issue a Portion of their Share Capital as Preference Shares; and for other Purposes.

ccc. An Act to extend the Time for the Purchase of Lands for and Completion of the *Kilpurcell* Branch Railway of the *Kilkenny Junction* Railway Company, and to confer upon that Company Running Powers over the *Waterford and Kilkenny* Railway, and to enable them to raise further Money; and for other Purposes.

ccci. An Act to authorize the Construction of a Railway from the *Parsonstown and Portumna Bridge* Railway to the Town of *Portumna*.

cccii. An Act for authorizing certain Arrangements between the *Much Wenlock and Severn Junction* Railway Company and *Wenlock* Railway Company and the *Great Western* Railway Company; and for extending the Time for the compulsory Purchase of Property required for the *Wenlock* Railway; and for other Purposes.

ccciii. An Act to authorize the Construction of a Railway from the *Metropolitan* Railway through *Saint John's Wood* to the *Hampstead Junction* Railway.

ccciv. An Act to enable the *Brecon and Merthyr Tydfil Junction* Railway Company to construct new Lines between their authorized Lines and the *Rhymney* Railway, and to connect

connect the *Rumney and Rhymney* Railways, and between the *Rumney* Railway and *Caerphilly* and *Llantwit-fardre,* and to join the *Great Western* Railway; and to raise further Monies; and for other Purposes.

cccv. An Act to amend "The *Dublin* Improvement Act, 1849," and "The *Dublin* Improvement Act Amendment Act, 1861," and to confer additional Powers upon the Corporation of *Dublin.*

cccvi. An Act for conferring further Powers on the *Great Western* Railway Company for the Construction of Works and the Acquisition of Lands, and otherwise in relation to their own Undertaking and the Undertakings of other Companies and Persons; and for other Purposes.

cccvii. An Act for making a Railway from the *Bristol and Exeter* Railway to *Barnstaple;* and for other Purposes.

cccviii. An Act to authorize the Construction of several Railways and a Canal chiefly in the Parishes of *Wolstanton* and *Audley* by the *North Staffordshire* Railway Company, and to confer other Powers upon such Company and various other Companies and the Duke of *Bridgewater*'s Trustees.

cccix. An Act to authorize the Construction of Railways from the *Silverdale and Newcastle* Railway at *Wolstanton* to the *Old Manor House* at *Madeley,* and thence to the *Nantwich and Market Drayton* and *London and North-western* Railways; and for other Purposes.

cccx. An Act for making a Railway from *Petersfield* to *Bishops Waltham;* and for other Purposes.

cccxi. An Act for the Amalgamation of the *Mid-Kent* Railway Company, and their Undertaking, Railway, and Property, with the *South-eastern* Railway Company, and their Undertaking, Railway, and Property; and for other Purposes.

cccxii. An Act to authorize the Construction of Railways between *Cannock Chase* and *Wolverhampton* in the County of *Stafford;* and for other Purposes.

cccxiii. An Act to authorize the *Great Eastern* Railway Company to make several Railways in and near the Metropolis in connection with their existing Railway, and to purchase Lands for a Station in the City of *London.*

cccxiv. An Act to enable the *London, Brighton, and South Coast* Railway Company to make new Lines of Railway in the Counties of *Surrey* and *Sussex;* to acquire additional Lands; and to acquire the Undertakings of certain other Companies; and for other Purposes.

cccxv. An Act to enable the *Metropolitan* Railway Company to extend their Railway from *Finsbury Circus* to *Trinity Square, Tower Hill;* and for other Purposes.

cccxvi. An

cccxvi. An Act to enable the *Neath and Brecon* Railway Company to extend their Railway to the *Central Wales Extension* Railway, and to construct a Branch to the *Banwen* and *Maesmarchog* Collieries; and for other Purposes.

cccxvii. An Act to enable the *Portpatrick* Railway Company to alter certain of their Works; to increase their Capital; to make working Arrangements with certain Companies; and to use Portions of other Undertakings.

cccxviii. An Act to enable the *Portpatrick* Railway Company to establish Communication by Steam Vessels between *Portpatrick* and *Donaghadee*, and between *Stranraer* and *Belfast* and *Larne*.

cccxix. An Act to authorize the Construction of Docks, and a Branch Railway and other Works, at *Exmouth* in the County of *Devon*; and for other Purposes.

cccxx. An Act to authorize the *Manchester, Sheffield, and Lincolnshire* Railway Company to run Steam and other Vessels between *Great Grimsby* and certain Foreign Ports.

cccxxi. An Act for making Railways and Tramways in and near the City of *Dublin*.

cccxxii. An Act for authorizing the Completion of an Inner Circle of Railways North of the *Thames*.

cccxxiii. An Act for making Railways from the *Hampstead Road* to the *Charing Cross* Railway at *Hungerford*, with a Branch to the *London and North-western* Railway; and for making new Streets from *Tottenham Court Road* to *Chandos Street, Strand*, and from the *Strand* to *Duke Street*; and for other Purposes.

cccxxiv. An Act to make Provision for the Assessment of Damages claimed against the *Sheffield* Waterworks Company in consequence of an Inundation caused by the giving way of the Embankment of One of the Reservoirs of the Company; and to enable the Company to raise further Money, and to increase their Water Rents; and for other Purposes.

cccxxv. An Act for making and maintaining "The *Tooting, Merton, and Wimbledon Extension* Railway;" and for other Purposes.

cccxxvi. An Act to authorize the Construction of a Pier at *Aldborough* in the County of *Suffolk*, and of a Railway therefrom to the *Great Eastern* Railway at *Aldborough*, with a Branch Railway to *Slaughden*; and for other Purposes.

cccxxvii. An Act for making a Railway from the authorized Line of Railway from *Ryde* to *Lower Shanklin*, near *Yar Bridge*, to *Bembridge Point*, with a Pier or Landing Place there,

there, and a Tramway from the said intended Railway to *Bembridge Down*, all in the Parish of *Brading* in the *Isle of Wight;* to authorize Arrangements with the *Isle of Wight* Railway Company; and for other Purposes.

cccxxviii. An Act to authorize the Construction of Railways or Tramways from the Town of *Holywell* to *Greenfield* in the County of *Flint*, and to the *Holywell* Station of the *Chester and Holyhead* Railway; and for other Purposes.

cccxxix. An Act for making a Railway from the *Great Southern and Western* Railway in the Parish of *Naas* and County of *Kildare* to the Town of *Baltinglass* in the County of *Wicklow;* and for other Purposes.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act to incorporate the Trustees under the Trust Disposition and Settlement of *Francis Simpson* Esquire, of *Plean*, and to explain the said Trust Disposition and Settlement.
2. An Act to incorporate the Trustees of the *Scots* Episcopal Fund; to alter and amend the Trust Deeds; to empower the Trustees to sell the Estate of *Kildonan* in the County of *Ayr;* to regulate the Investment of the Trust Funds; and for other Purposes relating thereto.
3. An Act for authorizing the Dean and Chapter of *Kilkenny* to raise Money for the Repair and Restoration of *Kilkenny* Cathedral, and to endow the Parishes of *Durrow* and *Ballinamara;* and for other Purposes.
4. An Act for giving Effect to a Compromise of Suits affecting the Estates in the County of *Cork* in *Ireland*, late of *Henry Frederick John James Perceval* Fifth Earl of *Egmont* deceased.
5. An Act for giving Effect to a Compromise of a certain Suit depending in the Court of Chancery in *Ireland* relating to certain Estates in the Counties of *Limerick* and *Cork* of the Right Honourable *Standish O'Grady* First Viscount *Guillamore*.
6. An Act to raise Money for the Purchase of the *Horsham* Estate in the County of *Kent*, now in Lease from the Warden

den and College of *All Souls, Oxford,* to the Right Honourable *George Francis Robert* Lord *Harris,* and of Lands intermixed therewith.

7. An Act to enable the Trustees of the Will of *Pattison Ellames,* late of *Allerton Hall* in the County of *Lancaster,* Esquire, deceased, to sell the said Mansion House, Lands, and Hereditaments of *Allerton Hall,* and to purchase other Lands and Hereditaments in lieu thereof.

8. An Act for *Charles Sheils'* Almshouses Charity.

9. An Act for the Purpose of conferring Powers of jointuring and charging Portions out of and upon the Estates and Hereditaments of which the Right Honourable *William* Earl of *Abergavenny* is seised as Tenant in Tail Male under an Act passed in the Second and Third Years of the Reign of King *Philip* and Queen *Mary,* and for enabling Leases and Sales to be made of certain Parts of the same Estates and Hereditaments; and for other Purposes.

10. An Act for amending, extending, and enlarging the Powers contained in the Will and Codicil of the Right Honourable *Thomas Atherton* Lord *Lilford* deceased.

11. An Act to provide for the Settlement of the Claims of the Heirs of Entail of the Estate of *Hailes* in the County of *Edinburgh* with respect to the Construction of the *Edinburgh and Glasgow Union* Canal through the said Estate.

12. An Act to confirm and give Effect to a Decree of the Right Honourable the Lord High Chancellor of *Ireland* made in a certain Cause Petition Matter wherein *Anthony O'Reilly* was Petitioner and *Caroline Maria O'Reilly* and others were Respondents, and bearing Date the Second Day of *May* One thousand eight hundred and sixty-one, and to Two Indentures dated respectively the Twenty-fifth Day of *May* One thousand eight hundred and sixty-one executed in pursuance of the said Decree, and to an Indenture dated Fifteenth Day of *April* One thousand eight hundred and sixty-one therein and herein particularly mentioned.

13. An Act for authorizing the Trustees of the Will of *John Arden* Esquire, deceased, to build a Family Mansion on Part of the Estates, subject to the Limitations of the said Will; and for other Purposes.

14. An Act to confirm Agreements between the Magistrates and Town Council of the Royal Burgh of *Dundee* and the Presbytery and Ministers of *Dundee* with respect to the Churches and Hospital of the said Burgh; and for other Purposes.

PRIVATE ACT,

NOT PRINTED.

15. An Act to enable *John Chittenden*, Clerk, to exercise his Office of a Priest, and to hold any Benefice or Preferment in the United Church of *England* and *Ireland*.

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TO

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27° & 28° VICTORIÆ,

Showing whether they relate to the whole or to any Part of the United Kingdom, viz.

E. *signifies that the Act relates to* England (and Wales, if the Subject extends so far).

S.	,,	,,	,,	Scotland.
I.	,,	,,	,,	Ireland.
E. & I.	,,	,,	,,	England and Ireland.
G. B.	,,	,,	,,	Great Britain.
G. B. & I.		,,	,,	Great Britain and Ireland.
U. K.	,,	,,	,,	The whole of the United Kingdom.

	Cap.	Relating to
Abolition of Vestry Cess; for the Abolition of Vestry Cess in Ireland, and for other Purposes relating thereto . .	17.	I.
Accidents Compensation; to amend the Act 9 & 10 Vict. c. 93., for compensating the Families of Persons killed by Accident	95.	E. & I.
Accounts (Corn); to amend the Law relating to Publication of Accounts of Corn imported, and to Returns of Purchases and Sales of Corn	87.	E.
Administration of Justice. *See* Accidents Compensation. Bombay, High Court at. Chancery, Court of. Circuits. Civil Bills Courts. Clerks of the Peace. Common Law Procedure. Conveyancers. Court of Chancery. Criminal Justice. Criminal Prosecutions. Divorce Court. Ecclesiastical Courts and Registries. Gaols. Insane Prisoners. Judgments, &c. Jurors and Juries. Justices Proceedings Confirmation. Justiciary, Court of. Limited Penalties. Penal Servitude. Penalties. Recognizances, &c. Sheriffs Substitute. Summary Procedure. Trespass.		
Admiralty Lands and Works; to make Provision respecting the Acquisition of Lands required by the Admiralty for the Public		

	Cap.	Relating to
Service, and respecting the Use and Disposition thereof, and the Execution of Works thereon	57.	G. B. & I.
Admiralty Lands and Works; to authorize the Acquisition of Lands by the Admiralty with a view to the Extension of Portsmouth Dockyard, and for other Purposes connected therewith	103.	E.
Agents, Naval; to provide for the Appointment, Duties, and Remuneration of Agents for Ships of War, and for the Distribution of Salvage, Bounty, Prize and other Money among the Officers and Crews thereof	24.	U. K.
Anchors; for regulating the Proving and Sale of Chain Cables and Anchors	27.	G. B. & I.
Animals, Malt for; to allow the making of Malt Duty-free to be used in feeding Animals	9.	U. K.
Annuities. *See* Elgin and Kincardine, Countess of. Lawrence, Sir John.		
Annuities (Government); to grant additional Facilities for the Purchase of small Government Annuities, and for assuring Payments of Money on Death	43.	U. K.
——— to provide for the Investment and Appropriation of all Monies received by the Commissioners for the Reduction of the National Debt on account of Deferred Life Annuities and Payments to be made on Death	46.	U. K.
Application of Aids. *See* Consolidated Fund.		
Appropriation of Supplies; to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year 1864, and to appropriate the Supplies granted in this Session of Parliament	73.	U. K.
Archbishopric of Armagh; for amending the Act 11 & 12 Geo. 3. c. 17. (I.), in respect of the Charges on the Revenues of the See of Armagh	81.	I.
Ardglass. *See* Piers and Harbours.		
Armagh and Dublin, Provincial Courts of; for the Union of the Diocesan Courts and Registries in Ireland; for the Regulation of the Mode of Procedure therein, and also in the Provincial Courts of Armagh and Dublin; and for Appeals therefrom	54.	I.
Armagh Archiepiscopal Revenues; for amending the Act 11 & 12 Geo. 3. c. 17. (I.), in respect of the Charges on the Revenues of the Archbishopric of Armagh	81.	I.
Army. *See* Mutiny.		
Army Prize (Shares of Deceased); to amend the Law relative to the Payment of the Shares of Prize and other Money belonging to deceased Officers and Soldiers of Her Majesty's Land Forces	36.	U. K.
Arsenals. *See* Fortifications.		
Ashford. *See* Local Government of Towns.		
Assessment (Union) Committees. *See* Union Assessment Committees.		
Assurances, Charitable. *See* Charitable Assurances. Enrolments.		
Assurances, Life. *See* Government Annuities, &c.		
Attorney, Letters of. *See* Stamps.		
Ballots for the Militia. *See* Militia.		
Bank of Ireland; for impressing by Machinery Signatures of Names on Bank Notes and certain Bills of the Bank of Ireland	78.	I.
Bank Notes; to enable certain Banking Copartnerships which shall discontinue the Issue of their own Bank Notes to sue and be sued by their public Officer	32.	E.

	Cap.	Relating to
Bank Notes; for impressing by Machinery Signatures of Names on Bank Notes and certain Bills of the Bank of Ireland	78.	I.
Bank Post Bills; to permit for a limited Period Compositions for Stamp Duty on Bank Post Bills of Five Pounds and upwards in Ireland	86.	I.
Banking Copartnerships; to enable certain Banking Copartnerships which shall discontinue the Issue of their own Bank Notes to sue and be sued by their public Officer	32.	E.
Beer, for more effectually regulating the Sale of, in Ireland	35.	I.
Bills of Bank of Ireland. *See* Bank Notes.		
Bills of Exchange and Promissory Notes; to amend the Law relating to Bills of Exchange and Promissory Notes in Ireland	7.	I.
——— to remove certain Restrictions on the Negotiation of Promissory Notes and Bills of Exchange under a limited Sum in Ireland	20.	I.
Bleaching and Dyeing Works; for extending the Provisions of "The Bleaching and Dyeing Works Act, 1860," (23 & 24 Vict. c. 78.)	98.	G. B. & I.
Bolton. *See* Local Government of Towns.		
Bombay, High Court at; to confirm the Appointment of Henry Pendock St. George Tucker, Esquire, as One of the Judges of Her Majesty's High Court at Bombay, and to establish the Validity of certain Proceedings therein	16.	U. K.
Bounty. *See* Prize (Naval).		
Bray. *See* Piers and Harbours.		
Brighton. *See* Local Government of Towns. Piers and Harbours.		
British Spirits; to amend the Laws relating to the warehousing of British Spirits	12.	U. K.
Burials Registration; to make further Provision for the Registration of Burials in England	97.	E.
Cables and Anchors; for regulating the Proving and Sale of Chain Cables and Anchors	27.	G. B. & I.
Carlingford Lough. *See* Piers and Harbours.		
Cathedral Minor Corporations; to substitute fixed instead of fluctuating Incomes for the Members of certain minor Corporations in certain of the Cathedral Churches in England	70.	E.
Cattle. *See* Malt for Animals.		
Central Arsenal. *See* Fortifications.		
Cess, Vestry; for the Abolition of Vestry Cess in Ireland, and for other Purposes relating thereto	17.	I.
Chain Cables and Anchors, for regulating the Proving and Sale of	27.	G. B. & I.
Chancery, Court of; for making better and further Provision for the more efficient Despatch of Business in the High Court of Chancery	15.	E.
Charitable Assurances Enrolments; to further extend the Time for making Enrolments under the Act 24 & 25 Vict. c. 9., "to amend the Law relating to the Conveyance of Lands for Charitable Uses," and otherwise to amend the said Law	13.	E.
Charity Commission; for confirming a Scheme of the Charity Commissioners for the Charity called "The Free Grammar School" in the City of Coventry	41.	E.
Chief Rents, to facilitate the Redemption of, in Ireland	38.	I.
Chimney Sweepers Regulation; to amend and extend the Act 3 & 4 W. 4. c. 85., for the Regulation of Chimney Sweepers	37.	G. B. & I.
Church of England; to substitute fixed instead of fluctuating Incomes for the Members of certain minor Corporations in certain of the Cathedral Churches in England	70.	E.
Church in Ireland; for the Union of the Diocesan Courts and Registries in Ireland; for the Regulation of the Mode of Proce-		

	Cap.	Relating to
dure therein, and also in the Provincial Courts of Armagh and Dublin; and for Appeals therefrom	54.	I.
Church in Ireland; for amending the Act 11 & 12 Geo. 3. c. 17. (I.), in respect of the Charges on the Revenues of the Archbishopric of Armagh	81.	I.
Church in Scotland; to remove Disabilities affecting the Bishops and Clergy of the Protestant Episcopal Church in Scotland	94.	G. B. & I.
——— to facilitate the Commutation and Sale of certain Vicarage Teinds in Scotland	33.	S.
Cinque Ports, &c.; to extend the Provisions of "The Criminal Justice Act, 1855," (19 & 20 Vict. c. 118.), to the Liberties of the Cinque Ports and to the District of Romney Marsh in the County of Kent	80.	E.
Circuits (Court of Justiciary); to provide for the Alteration of the Circuits of the Court of Justiciary in Scotland, and for holding additional Circuit Courts	30.	S.
Civil Bill Courts; to amend the Procedure of the Civil Bill Courts in Ireland	99.	I.
Clergy. *See* Church of England, &c.		
Clerks of the Peace Removal; for amending the Law relating to the Removal of Clerks of the Peace	65.	E.
Clevedon. *See* Piers and Harbours.		
College of Physicians; to enable Her Majesty to grant a Lease for Nine hundred and ninety-nine Years of the Building known as the College of Physicians in Pall Mall East . .	60.	E.
Colleges, Public; for annexing Conditions to the Appointment of Persons to Offices in the Governing Bodies of certain Public Schools and Colleges	92.	E.
Commissioners of Lunacy. *See* Lunacy.		
Commissioners of Works. *See* Cranbourne Street.		
Common Law Procedure; to amend "The Common Law Procedure (Ireland) Act, 1853," (16 & 17 Vict. c. 113.), in relation to Jurors and Juries in the County of Cork . . .	28.	I.
Commons Inclosure; to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales	1.	E.
——— to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners . .	66.	E.
Companies Seals; to enable Joint Stock Companies carrying on Business in Foreign Countries to have Official Seals to be used in such Countries	19.	U. K.
Compensation for Accidents; to amend the Act 9 & 10 Vict. c. 93., for compensating the Families of Persons killed by Accident	95.	E. & I.
Compositions for Stamp Duty. *See* Bank Post Bills.		
Conservancy of the Thames; to amend the Laws relating to the Conservancy of the River Thames; and for other Purposes relating thereto	113.	E.
Consolidated Fund; to apply the Sum of 584,650*l.* out of the Consolidated Fund to the Service of the Year ending 31st March 1864	5.	U. K.
——— to apply the Sum of 4,500,000*l.* out of the Consolidated Fund to the Service of the Year 1864 . . .	6.	U. K.
——— to apply the Sum of 15,000,000*l.* out of the Consolidated Fund to the Service of the Year 1864 . . .	11.	U. K.
——— to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year 1864, and to appropriate the Supplies granted in this Session of Parliament	73.	U. K.
Contagious Diseases, for the Prevention of, at certain Naval and Military Stations	85.	E. & I.

	Cap.	Relating to
Conveyancers, &c.; to amend the Laws relating to Conveyancers, Special Pleaders, and Draughtsmen in Equity practising in Ireland	8.	I.
Cork, County of. *See* Jurors and Juries.		
Corn Accounts and Returns; to amend the Law relating to Publication of Accounts of Corn imported, and to Returns of Purchases and Sales of Corn	87.	E.
Corporations (Cathedral Churches). *See* Cathedral Minor Corporations.		
Countess of Elgin and Kincardine; to settle an Annuity on Mary Louisa Countess of Elgin and Kincardine, in consideration of the distinguished Services performed by the late James Earl of Elgin and Kincardine	31.	U. K.
County Voters; to amend the Laws which regulate the Registration of Parliamentary Voters in Counties in Ireland	22.	I.
Court of Chancery; for making better and further Provision for the more efficient Despatch of Business in the High Court of Chancery	15.	E.
Court of Justiciary. *See* Circuits.		
Courts, Ecclesiastical. *See* Ecclesiastical Courts and Registries.		
Coventry Free Grammar School; for confirming a Scheme of the Charity Commissioners for the Charity called "The Free Grammar School" in the City of Coventry	41.	E.
Cranbourne Street; to transfer certain Houses in and near Cranbourne Street in the City of Westminster from the Commissioners of Her Majesty's Works to Her Majesty, for the Considerations therein mentioned	111.	E.
Criminal Justice; to extend the Provisions of "The Criminal Justice Act, 1855," (19 & 20 Vict. c. 118.), to the Liberties of the Cinque Ports and to the District of Romney Marsh in the County of Kent	80.	E.
Criminal Prosecutions, &c.; to make Provision for Uniformity of Process in summary Criminal Prosecutions, and Prosecutions for Penalties in the Inferior Courts in Scotland	53.	S.
Customs and Inland Revenue; to grant certain Duties of Customs and Inland Revenue	18.	U. K.
——— to amend the Laws relating to the warehousing of British Spirits	12.	U. K.
Deeds, Registration of. *See* Registration of Deeds.		
Defence of the Realm; to amend "The Defence Act, 1842," (5 & 6 Vict. c. 94.)	89.	U. K.
——— for providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of Dover and Portland, and of creating a Central Arsenal	109.	U. K.
Deferred Life Annuities. *See* Life Annuities, &c.		
Deputy Commissioners in Lunacy; to continue the Deputy Commissioners in Lunacy in Scotland, and to make further Provision for the Salaries of the Deputy Commissioners, Secretary, and Clerk of the General Board of Lunacy in Scotland	59.	S.
Desertion. *See* Mutiny.		
Despatch of Business (Court of Chancery); for making better and further Provision for the more efficient Despatch of Business in the High Court of Chancery	15.	E.
Diocesan Courts; for the Union of the Diocesan Courts and Registries in Ireland; for the Regulation of the Mode of Procedure therein, and also in the Provincial Courts of Armagh and Dublin; and for Appeals therefrom	54.	I.
Disabilities, Clergy. *See* Church in Scotland.		

	Cap.	Relating to
Discipline of the Navy. *See* Naval Discipline.		
Diseases, Contagious; for the Prevention of Contagious Diseases at certain Naval and Military Stations . . .	85.	E. & I.
Disembodied Militia. *See* Militia.		
Distribution of Naval Prize. *See* Prize (Naval).		
Divorce Court; to amend the Act 20 & 21 Vict. c. 85., relating to Divorce and Matrimonial Causes in England . . .	44.	E.
Dockyards. *See* Fortifications. Portsmouth Dockyard.		
Dover. *See* Fortifications.		
Drainage and Improvement of Lands; to explain certain Provisions contained in "The Drainage and Improvement of Lands (Ireland) Act, 1863," (26 & 27 Vict. c. 88.) . . .	72.	I.
——— to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," (26 & 27 Vict. c. 88.)	107.	I.
——— to confirm certain Provisional Orders under "The Land Drainage Act, 1861," (24 & 25 Vict. c. 133.) . . .	14.	E.
Draughtsmen in Equity. *See* Conveyancers, &c.		
Dublin, Provincial Court of. *See* Ecclesiastical Courts and Registries.		
Duties, Rates, and Taxes. *See* Customs and Inland Revenue. Excise. Poor. Stamps.		
Dyeing Works; for extending the Provisions of "The Bleaching and Dyeing Works Act, 1860," (23 & 24 Vict. c. 78.) . .	98.	G. B. & I.
East India. *See* High Court at Bombay.		
Eastbourne. *See* Piers and Harbours.		
Ecclesiastical Courts and Registries; for the Union of the Diocesan Courts and Registries in Ireland; for the Regulation of the Mode of Procedure therein, and also in the Provincial Courts of Armagh and Dublin; and for Appeals therefrom . .	54.	I.
Elections, Parliamentary. *See* County Voters.		
Elgin and Kincardine, Countess of; to settle an Annuity on Mary Louisa Countess of Elgin and Kincardine, in consideration of the distinguished Services performed by the late James Earl of Elgin and Kincardine	31.	U. K.
Embankment of the Thames. *See* Thames Embankment.		
Employments, &c., Qualifications for. *See* Indemnity.		
Enrolments (Charitable Assurances); to further extend the Time for making Enrolments under the Act 24 and 25 Vict. c. 9., "to amend the Law relating to the Conveyance of Lands for Charitable Uses," and otherwise to amend the said Law .	13.	E.
Episcopal Church in Scotland. *See* Church in Scotland.		
Equity Draughtsmen, &c.; to amend the Law relating to Conveyancers, Special Pleaders, and Draughtsmen in Equity practising in Ireland	8.	I.
Estates, Settled; to further amend "The Settled Estates Act of 1856," (19 & 20 Vict. c. 120.)	45.	E. & I.
Exchange, Bills of. *See* Bills of Exchange, &c.		
Exchequer Bonds; for raising the Sum of 1,600,000*l.* by Exchequer Bonds for the Service of the Year 1864 . .	74.	U. K.
Excise; to amend the Laws relating to the warehousing of British Spirits	12.	U. K.
——— to allow the making of Malt Duty-free to be used in feeding Animals	9.	U. K.
Exe Bight. *See* Piers and Harbours.		
Expiring Laws Continuance; for continuing various expiring Acts	84.	G. B. & I.
Factories; for the Extension of the Factory Acts . .	48.	U. K.

	Cap.	Relating to
Factories; for extending the Provisions of "The Bleaching and Dyeing Works Act, 1860," (23 & 24 Vict. c. 78.)	98.	G. B. & I.
Families of Persons killed by Accident, to amend the Act 9 & 10 Vict. c. 93., for compensating the	95.	E. & I.
Fareham. *See* Local Government of Towns.		
Filey. *See* Piers and Harbours.		
Fish Teinds; to facilitate the Commutation and Sale of certain Vicarage Teinds in Scotland	33.	S.
Fisheries; to amend the Acts 25 & 26 Vict. c. 97. and 26 & 27 Vict. c. 50., relating to Salmon Fisheries in Scotland	118.	S.
Flesh, poisoned, &c.; to prohibit the placing of poisoned Flesh and poisonous Matters in Plantations, Fields, and open Places, and to extend "The Poisoned Grain Prohibition Act, 1863," (26 & 27 Vict. c. 113.)	115.	G. B. & I.
Foreign Countries. *See* Joint Stock Companies.		
Fortifications; for providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of Dover and Portland, and of creating a Central Arsenal	109.	U. K.
——— *See also* Defence of the Realm.		
Free Grammar School, Coventry. *See* Charity Commission.		
Game; to amend the Law in certain Cases relating to Trespasses in Pursuit of Game	67.	I.
Gaols; to amend the Act 3 & 4 Vict. c. 54., for making further Provision for the Confinement and Maintenance of Insane Prisoners	29.	E.
——— *See also* Prisons.		
Gas, Sale of; to enable certain Royal and Parliamentary Burghs in Scotland to avail themselves of the Provisions of the Acts 22 & 23 Vict. c. 66. and 23 & 24 Vict. c. 146., for regulating the Sale of Gas	96.	S.
General Board of Lunacy in Scotland; to continue the Deputy Commissioners in Lunacy in Scotland, and to make further Provision for the Salaries of the Deputy Commissioners, Secretary, and Clerk of the General Board of Lunacy in Scotland	59.	S.
Government Annuities, &c.; to grant additional Facilities for the Purchase of small Government Annuities, and for assuring Payments of Money on Death	43.	U. K.
——— to provide for the Investment and Appropriation of all Monies received by the Commissioners for the Reduction of the National Debt on account of Deferred Life Annuities and Payments to be made on Death	46.	U. K.
Governor General of India. *See* Lawrence, Sir John.		
Grain, poisoned. *See* Poisoned Flesh Prohibition, &c.		
Greece; to repeal and in part to re-enact certain Acts of Parliament relating to the Ionian States, and to establish the Validity of certain Things done in the said States	77.	U. K.
Greek Loan; for authorizing the Relinquishment in favour of the King of the Hellenes of certain Money payable in respect of the Greek Loan	40.	U. K.
Greenock. *See* Piers and Harbours.		
Harbours, &c.; for confirming certain Provisional Orders made by the Board of Trade under "The General Pier and Harbour Act, 1861," (24 & 25 Vict. c. 45.), relating to Brighton, Eastbourne, Sandown, Walton-on-the-Naze, Clevedon, Rhyl, Bray, Kircubbin, Walton (Suffolk), Holywood, Exe Bight, Lytham, Ardglass, Filey, Greenock, Carlingford Lough, Wexford, Torquay, and Oban	93.	G. B. & I.

	Cap.	Relating to
Harbours, &c.; for amending "The Isle of Man Harbours Act, 1863," (26 & 27 Vict. c. 86.)	62.	E.
——— for amending "The Harwich Harbour Act, 1863," (26 & 27 Vict. c. 71.)	102.	E.
Hartlepool; for confirming a Provisional Order concerning Pilotage made by the Board of Trade under "The Merchant Shipping Act Amendment Act, 1862," (25 & 26 Vict. c. 63.), relating to Hartlepool	58.	E.
Harwich Harbour; for amending "The Harwich Harbour Act, 1863," (26 & 27 Vict. c. 71.)	102.	E.
Hellenes, King of the; for authorizing the Relinquishment in favour of the King of the Hellenes of certain Money payable in respect of the Greek Loan	40.	U. K.
Hexham. *See* Local Government of Towns.		
High Court at Bombay; to confirm the Appointment of Henry Pendock St. George Tucker, Esquire, as One of the Judges of Her Majesty's High Court at Bombay, and to establish the Validity of certain Proceedings therein	16.	U. K.
High Court of Chancery; for making better and further Provision for the more efficient Despatch of Business in the High Court of Chancery	15.	E.
Highways; to amend the Act 25 & 26 Vict. c. 61., for the better Management of Highways in England	101.	E.
Holywood. *See* Piers and Harbours.		
House of Commons; for amending the Law relating to Seats in the House of Commons of Persons holding certain Public Offices	34.	U. K.
——— *See also* Under Secretaries of State.		
Importation of Corn. *See* Corn Accounts and Returns.		
Improvement of Land Act, 1864	114.	G. B. & I.
Improvement of Lands; to explain certain Provisions contained in "The Drainage and Improvement of Lands (Ireland) Act, 1863," (26 & 27 Vict. c. 88.)	72.	I.
——— to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," (26 & 27 Vict. c. 88.)	107.	I.
Improvements (Metropolis). *See* Cranbourne Street. Thames Embankment.		
Inclosure of Lands; to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales	1.	E.
——— to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners	66.	E.
Incumbered Estates, West Indies; to amend "The West Indian Incumbered Estates Acts," (17 & 18 Vict. c. 117., 21 & 22 Vict. c. 96., and 25 & 26 Vict. c. 45.)	108.	U. K.
Indemnity; to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively	49.	G. B. & I.
——— *See also* Under Secretaries of State.		
India, Governor General of. *See* Lawrence, Sir John.		
India Office; to vest the Site of the India Office in Her Majesty for the Service of the Government of India	51.	U. K.
India Stocks Transfer; to amend the Act 25 & 26 Vict. c. 7., to provide for the Registration and Transfer of Indian Stocks at the Bank of Ireland, and for the mutual Transfer of such Stocks from and to the Banks of England and Ireland respectively	50.	U. K.

	Cap.	Relating to
Inland Revenue; to grant certain Duties of Customs and Inland Revenue	18.	U. K.
——— to amend the above Act, as to the Stamp Duties on certain Letters or Powers of Attorney	90.	U. K.
——— for granting to Her Majesty certain Stamp Duties; and to amend the Laws relating to the Inland Revenue	56.	U. K.
——— *See also* Stamps—Stamp Duties.		
Insane Prisoners, to amend the Act 3 & 4 Vict. c. 54., for making further Provision for the Confinement and Maintenance of	29.	E.
Ionian States; to repeal and in part to re-enact certain Acts of Parliament relating to the Ionian States, and to establish the Validity of certain Things done in the said States	77.	U. K.
Ireland, Acts relating specially to. *See* Armagh and Dublin. Armagh Archiepiscopal Revenues. Bank of Ireland. Bank Notes. Bank Post Bills. Beer-houses. Bills of Exchange, &c. Chief Rents. Church in Ireland. Civil Bill Causes. Common Law Procedure. Conveyancers, &c. County Voters. Diocesan Courts. Drainage and Improvement of Land. Ecclesiastical Courts and Registries. Game. Improvement of Lands. Jurors and Juries. Railways. Rateable Property Valuation. Registration of Deeds. Sale of Beer. Stamps. Trespass. Vestry Cess Abolition.		
Isle of Man Harbours; for amending "The Isle of Man Harbours Act, 1863," (26 & 27 Vict. c. 86.)	62.	E.
Issue of Bank Notes. *See* Banking Copartnerships.		
Joint Stock Companies (Foreign Countries); to enable Joint Stock Companies carrying on Business in Foreign Countries to have Official Seals to be used in such Countries	19.	U. K.
Judgments, &c. Law Amendment; to amend the Law relating to future Judgments, Statutes, and Recognizances	112.	E.
Jurors and Juries (Cork); to amend "The Common Law Procedure (Ireland) Act, 1853," (16 & 17 Vict. c. 113.) in relation to Jurors and Juries in the County of Cork	28.	I.
Justice, Administration of. *See* Accidents Compensation. Bombay, High Court at. Chancery, Court of. Circuits. Civil Bill Courts. Clerks of the Peace. Common Law Procedure. Conveyancers. Court of Chancery. Criminal Justice. Criminal Prosecutions. Divorce Court. Ecclesiastical Courts and Registries. Gaols. Insane Prisoners. Judgments, &c. Jurors and Juries. Justices Proceedings Confirmation. Justiciary, Court of. Limited Penalties. Penal Servitude. Penalties. Recognizances, &c. Sheriffs Substitute. Summary Procedure. Trespass.		
Justices Proceedings Confirmation; to confirm certain Proceedings of the Justices for the County of Sussex	100.	E.
Justiciary, Court of; to provide for the Alteration of the Circuits of the Court of Justiciary in Scotland, and for holding additional Circuit Courts	30.	S.
Kingston-upon-Hull. *See* Local Government of Towns.		
Kircubbin. *See* Piers and Harbours.		
Land Drainage; to confirm certain Provisional Orders under "The Land Drainage Act, 1861," (24 & 25 Vict. c. 133.)	14.	E.
Land, Improvement of; "The Improvement of Land Act, 1864"	114.	G. B. & I.
Lands, Conveyance of; to further extend the Time for making Enrolments under the Act 24 & 25 Vict. c. 9., "to amend the Law relating to the Conveyance of Lands for Charitable Uses," and otherwise to amend the said Law	13.	E.

	Cap.	Relating to
Lands, Improvement of; to explain certain Provisions contained in "The Drainage and Improvement of Lands (Ireland) Act, 1863," (26 & 27 Vict. c. 88.	72.	I.
——— to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act 1863," (26 & 27 Vict. c. 88.)	107.	I.
Lands, Inclosure of. *See* Commons Inclosure.		
Lands and Works (Admiralty); to make Provision respecting the Acquisition of Lands required by the Admiralty for the Public Service, and respecting the Use and Disposition thereof, and the Execution of Works thereon . .	57.	G. B. & I.
——— to authorize the Acquisition of Lands by the Admiralty with a view to the Extension of Portsmouth Dockyard, and for other Purposes connected therewith . . .	103.	E.
Lawrence, Sir John; to enable the Right Honourable Sir John Laird Mair Lawrence to receive the full Benefit of the Salary of Governor General of India, notwithstanding his being in receipt of an Annuity granted to him by the East India Company	2.	U. K.
Letters of Attorney; to amend Chapter 18. of the present Session as to the Stamp Duties on certain Letters or Powers of Attorney	90.	U. K.
Life Annuities and Life Assurances; to grant additional Facilities for the Purchase of small Government Annuities, and for assuring Payments of Money on Death . . .	43.	U. K.
——— to provide for the Investment and Appropriation of all Monies received by the Commissioners for the Reduction of the National Debt on account of Deferred Life Annuities and Payments to be made on Death	46.	U. K.
Limited Penalties; for the Amendment of the Law relating to the Mitigation of Penalties	110.	G. B. & I
Lists and Ballots for the Militia. *See* Militia.		
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PUBLIC GENERAL STATUTES

AFFECTING SCOTLAND.

1865.

PRINTED BY WILLIAM BLACKWOOD AND SONS, EDINBURGH.

A

COLLECTION

OF THE

PUBLIC GENERAL STATUTES

AFFECTING SCOTLAND,

PASSED IN THE

TWENTY-EIGHTH & TWENTY-NINTH YEARS

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA:

Being the SEVENTH SESSION of the EIGHTEENTH PARLIAMENT of the United Kingdom of *Great Britain* and *Ireland.*

WITH

GENERAL INDEX,

AND TABLES OF ALL THE GENERAL, LOCAL, AND PRIVATE ACTS PASSED IN THE ABOVE SESSION;

AND APPENDIX.

Printed by Authority of
Her Majesty's sole and only Master Printers for Scotland,
BY WILLIAM BLACKWOOD AND SONS,
EDINBURGH.
1865.

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LONDON, 31*st March* 1848. AND. RUTHERFURD.

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THE

PUBLIC GENERAL STATUTES

[AFFECTING SCOTLAND.]

ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

CAP. I.

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CAP. III.

An Act for the Protection of Inventions and Designs exhibited at certain Industrial Exhibitions in the United Kingdom.—[27*th* March 1865.]

WHEREAS Exhibitions of Objects of Art and Industry manufactured or contributed wholly or in part by Members of the Industrious Classes of Her Majesty's Subjects have lately been held, and may be from Time to Time hereafter held, in divers Parts of the United Kingdom; and it is expedient to encourage such Exhibitions by granting to Persons desirous of exhibiting at the same new Inventions or new Designs such Protection as is herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited as the "Industrial Exhibitions Act, 1865."

Power to Board of Trade to certify that certain Industrial Exhibitions are entitled to the Benefit of this Act.

II. It shall be lawful for the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations, upon the Application of any Persons desirous of holding any such Exhibition as aforesaid in any Part of the United Kingdom, to certify, if they shall think fit, that the Exhibition so proposed to be held is in their judgment calculated to promote *British* Art and Industry, and to prove beneficial to the Industrious Classes of Her Majesty's Subjects, either generally or in or near the Place where such Exhibition is proposed to be held; and every such Certificate shall mention the Place at which and the Time during which such Exhibition is proposed to be held; and the Time mentioned in any such Certificate may afterwards, if the Lords of the said Committee shall so think fit, be enlarged and extended by a further Certificate, but so that the whole Time allowed and certified for the holding of the same Exhibition shall in no Case exceed the total Period of Six Months; and every such Exhibition so certified, if and so long as the same shall be held at the Place and within the Time mentioned in any such Certificate, shall be deemed to be an Industrial Exhibition entitled to the Benefit of this Act.

Exhibition of new Inventions not to pre-

III. The Exhibition of any new Invention at any Industrial Exhibition entitled to the Benefit of this Act shall not, nor shall the Publication during the Period of the holding of such Exhibition

hibition of any Description of such Invention, nor shall the User of such Invention for the Purposes of such Exhibition, and within the Place where the same may be held, or elsewhere by any Person using the same during the Period of such Exhibition without the Privity and Consent of the true and first Inventor thereof, prejudice the Right of any Person to register provisionally such Invention, or invalidate any Letters Patent which may be granted for such Invention. Judice Patent Rights.

IV. The Exhibition at any Industrial Exhibition entitled to the Benefit of this Act of any new Design capable of being registered provisionally under the "Designs Act, 1850," or of any Article to which such Design is applied, shall not, nor shall the Publication during the Period of the holding of such Exhibition of any Description of such Design, prejudice the Right of any Person to register, provisionally or otherwise, such Design, or invalidate any Provisional or other Registration which may be granted for such Design. Exhibition of Designs not to prejudice Right to Registration.

CAP. IV.

An Act to apply the Sum of One hundred and seventy-five thousand six hundred and fifty Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of March *One thousand eight hundred and sixty-five.*—[27*th* March 1865.]

CAP. V.

An Act for the Incorporation of the Territories of British Kaffraria *with the Colony of the* Cape of Good Hope.—[27*th* March 1865.]

CAP. VI.

An Act for the Protection of Inventions and Designs exhibited at the Dublin *International Exhibition for*

for the Year One thousand eight hundred and sixty-five.—[27*th* March 1865.]

WHEREAS it is expedient that such Protection as is herein-after mentioned should be afforded to Persons desirous of exhibiting new Inventions or new Designs at the International Exhibition to be held at *Dublin* in the present Year: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The Protection of Inventions and Designs Amendment Act, 1865."

Exhibition of new Inventions not to prejudice Rights to register the same.

II. The Exhibition of any new Invention at the *Dublin* International Exhibition shall not, nor shall the Publication during the Period of the holding of such Exhibition of any Description of such Invention, nor shall the User of such Invention for the Purposes of the said Exhibition, prejudice the Right of any Person to register provisionally such Invention, or invalidate any Letters Patent that may be granted for such Invention.

Exhibition of new Designs not to prejudice Rights to register the same.

III. The Exhibition at the *Dublin* International Exhibition of any new Design capable of being registered provisionally under the Designs Act, 1850, or of any Article to which such Design is applied, shall not, nor shall the Publication during the Period of the holding of such Exhibition of any Description of such Design, prejudice the Right of any Person to register, provisionally or otherwise, such Design, or invalidate any provisional or other Registration that may be granted for such Design.

CAP. VII.

An Act to confirm a Provisional Order under "The General Police and Improvement (Scotland) *Act, 1862," relating to the Burgh of* Perth.—[7*th* April 1865.]

WHEREAS the Secretary of State for the Home Department, being One of Her Majesty's Principal Secretaries of State, has, under the Provisions of "The General Police and Improvement (*Scotland*) Act, 1862," duly made the Provisional

25 & 26 Vict. c. 101.

Provisional Order which is contained in the Schedule hereto annexed, and it is provided by the said Act that no such Order shall be of any Validity unless the same has been confirmed by Parliament; and it is expedient that the said Order should be so confirmed: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisional Order in Schedule confirmed.

I. The Provisional Order contained in the Schedule to this Act annexed shall, from and after the passing of this Act, be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same had been expressly enacted in this Act.

Short Title.

II. This Act may be cited for all Purposes as "The General Police and Improvement (*Scotland*) Supplemental Act, 1865."

SCHEDULE referred to in this Act.

PERTH.

GENERAL POLICE and IMPROVEMENT (SCOTLAND) ACT, 1862.—(25 & 26 Vic. Cap. 101.)

Whereas by the General Police and Improvement (Scotland) Act, 1862, it is inter alia enacted, Section 79, that "whenever "it appears desirable to the Magistrates and Council of any "Royal or Parliamentary Burgh, where there is a Board of "Commissioners of Police separate from such Magistrates and "Council, to unite the Municipal and Police Government and "Jurisdiction of any such Royal or Parliamentary Burgh in "the Magistrates and Council thereof, to transfer to them all "the Powers and Jurisdictions of Police, Paving, Lighting, "Watching and others, granted to the Commissioners of Police "by any Local Acts, and to extend such Jurisdictions over the "whole Limits of such Burgh," the Magistrates and Council "may present a Petition to One of Her Majesty's Principal Secretaries of State, praying for such Provision, Repeal, and Alteration as aforesaid, or for any of such Things, and such Petition "shall be supported by such Evidence as the said Secretary "requires:"

And whereas there is in said Burgh of Perth a Board of Commissioners of Police separate from the Magistrates and Town Council of the said Burgh, which Board of Commissioners is appointed under and in virtue of a Local Act now in force (2 Victoria cap. xliii.), intituled "An Act for more effectually "Paving the Streets of the City of Perth, for the better Lighting, "Watching, and Cleansing the said City and Suburbs thereof, "for

" for maintaining and regulating the Police of the same, and " for other Purposes relating thereto," (14th June 1839):

And whereas a Petition under the Provisions of the said General Police and Improvement (Scotland) Act has been addressed to me, as One of Her Majesty's Principal Secretaries of State, by the Lord Provost, Magistrates, and Council of the Royal Burgh of Perth, under their Corporate Seal, praying that, after the Inquiry directed by the Statute, a Provisional Order may be issued uniting the Municipal and Police Government and Jurisdiction of the said Royal Burgh of Perth in the Magistrates and Council thereof, and transferring to them all the Powers and Jurisdictions of Police, Paving, Watching, Lighting and others, granted to the said Commissioners of Police by the foresaid Local Act, and to extend such Jurisdiction over the whole Limits of the said Burgh, according to the Limits specified in the Third Section of the said Local Act as those over which the said Local Act extends:

And whereas certain Parts of the said Local Police Act ought to be repealed, and it is desirable that such Parts thereof should be specified and set forth, and that Provision should otherwise be made to regulate the future Application and Execution of the said Act:

And whereas due Inquiry has been directed and held in respect of the Matters mentioned in the said Petition:

Now, therefore, in pursuance of the Powers vested in me by the said General Police and Improvement (Scotland) Act, 1862, I, as One of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my Hand, direct that from and after any Act of Parliament confirming the same—

1.—The Municipal and Police Government and Jurisdiction of the said Royal Burgh of Perth shall be united in the Magistrates and Council thereof.

2.—The Parts of the said Local Police Act, 2 Victoria c. xliii., mentioned in the Schedule hereunto annexed shall be repealed, and as regards the other Parts of the said Local Police Act not hereby repealed, the whole Powers and Jurisdictions of Police, Paving, Lighting, Watching and others, granted to the Commissioners of Police by the said Local Police Act, shall be transferred to the Magistrates and Council of the said Burgh.

3.—The said Powers and Jurisdictions of the said Magistrates and Council shall be extended over the whole Limits of the said Burgh, according to the Limits or Boundaries specified in the Third Section of the said Local Act, as those over which the said Local Act extends.

4.—The Clerk, Inspector of Works, Collector, Surveyor, Superintendent

Superintendent, and all other Officers who have been appointed under and been employed in the Execution of the said Local Police Act, shall respectively continue to exercise their Offices until the First Ordinary Meeting of Council to be held after the passing of the Act confirming the present Provisional Order, or to be held on any other special Day to which such Ordinary Meeting may be adjourned.

5.—On any Application by Petition by the Magistrates and Council of the said Burgh to the Sheriff of the County, under the Provisions of the "General Police and Improve-"ment (Scotland) Act, 1862," praying for the Extension of the Boundaries of the said Burgh, it shall be lawful for them to make Application in the same Petition, or separately, praying the said Sheriff to regulate the Wards of the said Burgh in manner after mentioned; and on such Application being made it shall be lawful to the Sheriff of the County, in the event of his extending the Boundaries of the said Burgh, to annex the Districts within such extended Boundaries to One or more of the existing Wards into which the said Burgh is at present divided, and to fix and re-arrange the Limits of the said Wards, and the Number of Councillors to be elected for each Ward, and to take all Proceedings for these Purposes he may think necessary or expedient.

6.—On such Formation of Wards being made and completed, a Notice, signed by the said Sheriff, specifying the Limits of such re-arranged Wards, and the Number of Councillors to be elected for each Ward, shall be published once in the Edinburgh Gazette, and once in each of Two successive Weeks in One or more of the Newspapers then published in the said Burgh; and thereafter the qualified Electors of the said re-arranged Wards whose Names shall be on the List or Roll of Electors of the said Burgh in force for the Time being shall be entitled to vote in the Election of Councillors for the Burgh for as many qualified Persons to be Councillors in and for the said Wards respectively as are specified in such Notice, in the Manner provided by the Act 3 & 4 William the Fourth cap. 76.

7.—All Orders or Deliverances pronounced by the said Sheriff in the Premises shall be final and not subject to Appeal, Review, or Reduction in any Court or by any Process whatever.

Given under my Hand and Seal, this Nineteenth Day of December 1864.

(L.S.) (Signed) G. GREY.

SCHEDULE

SCHEDULE to which this Order refers.

The Parts of the Local Police Act (2 Vict. cap. xliii.) referred to in this Order to be repealed are as follows; viz.,

So much of the herein-before mentioned Act of the Second Year of the Reign of Her present Majesty (cap. xliii.) as is included in the Sections thereof numbered respectively 4 and 5; 8 to 17, both inclusive; 20 to 26, both inclusive; 28 and 29; 33 and 34; and 45 46 and and 47.

CAP. VIII.

An Act to amend "The Election Petitions Act, 1848," *in certain Particulars.*—[7*th* April 1865.]

11 & 12 Vict. c. 98.

WHEREAS it is expedient to amend "The Election Petitions Act, 1848," (herein-after called the Principal Act), in certain Particulars hereafter mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Committee to adjourn to Day after the Meeting of the House when House not sitting, and Committee has Occasion to report.

I. If any Select Committee appointed under the Principal Act have Occasion to apply to or report to the House, and the House be adjourned for more than Twenty-four Hours, such Committee shall adjourn to the Day immediately following that on which the House shall be appointed to meet for the Despatch of Business, unless that Day shall happen to be a *Sunday*, *Christmas Day*, or *Good Friday*, and in that case the Committee shall adjourn to the next following Day.

In case the House shall not sit Committee further to adjourn.

II. In case the House from any Cause shall happen not to sit for the Despatch of Business on the Day appointed for that Purpose, the Committee shall again, and so from Time to Time, adjourn till after the House shall sit for the Despatch of Business; but no Adjournment shall be made for any longer Period than to the Day next after the Day the House shall actually sit for the Despatch of Business, unless such Day shall happen to be a *Sunday*, *Christmas Day*, or *Good Friday*, and in that Case the Adjournment shall be to the next following Day.

In certain Cases the House may direct a Committee to adjourn for a reasonable Period.

III. In case it shall become necessary to adjourn the Consideration of any Application or Report made by any Committee to the House, the House may, if it shall so think fit, direct the Committee to adjourn their Sitting again, and from Time to Time, and for such reasonable Time as shall be sufficient to enable

enable the House to decide on such Application and Report, and such Committee shall adjourn accordingly.

If Committee dissolved by any Error, &c., a new Committee shall be struck, unless the House shall otherwise order.

IV. If at any Time after the Appointment of a Committee under the Principal Act it shall appear to the House that, from any Error, Irregularity of Proceeding, Oversight, or other Cause, such Committee has become dissolved, or unable to continue its Sittings for any Cause not provided for by the Principal Act, another Committee shall be appointed to decide on the Petition referred to such Committee, unless the House shall otherwise order, within Three sitting Days, as herein-after provided; and for the Purpose of appointing such other Committee the General Committee and the Members of the Chairmen's Panel shall meet as soon as conveniently can be after the Expiration of Three sitting Days from the Time the Occasion for such new Committee shall be reported to or brought under the Notice of the House by any Member, at a Day and Hour to be appointed by the General Committee; and Notice of such Meeting shall be published with the Votes, and all the Proceedings of such former Committee shall be of no Effect.

House may order a dissolved Committee to be revived, and to re-assemble and act.

V. In all Cases where a Committee shall have become dissolved by any Error, Irregularity of Proceeding, Oversight, or other Cause, not involving the Death or permanent Illness of any of its Members, the House may, if it shall so think fit, within Three sitting Days after such Event shall have been reported to or brought under the Notice of the House by any Member, order such Committee to stand revived, and to meet and continue its Sittings; and in such Case no new Committee shall be appointed, unless for any subsequent Cause; and the Proceedings of such new Committee shall have the same Force and Effect and be as valid as if no such Dissolution thereof had taken place.

As to Sittings of revived Committee.

VI. A Committee ordered to stand revived shall meet at the Time mentioned in such Order, and shall in its subsequent Sittings and Adjournments be regulated by all the Provisions of the Principal Act and of this Act.

CAP. IX.

An Act to allow Affirmations or Declarations to be made instead of Oaths in all Civil and Criminal Proceedings in Scotland.—[*7th* April 1865.]

18 & 19 Vict. c. 25.

WHEREAS Doubts have arisen whether the Provisions of the Eighteenth and Nineteenth of *Victoria*, Chapter Twenty-five, intituled *An Act to allow Affirmations or Declarations*

rations to be made instead of Oaths in certain Cases in Scotland, be applicable to all Courts of Civil Judicature, and to all Civil Proceedings: And whereas the Relief afforded by that Act to Persons refusing or being unwilling from conscientious Motives to be sworn in Courts of Civil Judicature has since been extended to all Courts of Criminal Jurisdiction, and to all Criminal Proceedings, by the Twenty-sixth and Twenty-seventh of *Victoria*, Chapter Eighty-five; and it is desirable to remove such Doubts, and to make the Law as to Affirmations uniform for all Courts and for all Proceedings, whether Civil or Criminal: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

26 & 27 Vict. c. 85.

Recited Acts repealed.

I. The said recited Acts shall be and the same are hereby repealed.

Power to Persons objecting to be sworn from alleged conscientious Motives to make Affirmation, &c.

II. If any Person called as a Witness in any Court of Civil or Criminal Jurisdiction in *Scotland*, or required or desiring to make an Affidavit or Deposition in the Course of any Proceeding, or in any Matter, whether Civil or Criminal, shall refuse or be unwilling from alleged conscientious Motives to be sworn, it shall be lawful for the Court or Judge, or other presiding Officer or Person qualified to take Affidavits or Depositions, upon being satisfied of the Sincerity of such Objection, to permit such Person, instead of being sworn, to make his or her solemn Affirmation or Declaration in the Words following:

'I *A.B.* do solemnly, sincerely, and truly affirm and declare, 'That the taking of any Oath is, according to my Religious 'Belief, unlawful; and I do also solemnly, sincerely, and truly 'affirm and declare, *&c.*'

Which solemn Affirmation and Declaration shall be of the same Force and Effect as if such Person had taken an Oath in the usual Form.

Persons falsely affirming, &c. to incur Penalties of wilful Perjury.

III. If any Person making such solemn Affirmation or Declaration shall wilfully, falsely, and corruptly affirm or declare any Matter or Thing which, if the same had been sworn in the usual Form, would have amounted to wilful and corrupt Perjury, every such Person so offending shall incur the same Penalties as by the Laws and Statutes of this Kingdom are or may be enacted or provided against Persons convicted of wilful and corrupt Perjury.

Short Title.

IV. This Act may be cited for all Purposes as "The Affirmations (*Scotland*) Act, 1865."

CAP. X.

CAP. X.

An Act to apply the Sum of Fifteen Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-five.—[7*th* April 1865.]

CAP. XI.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. —[7*th* April 1865.]

CAP. XII.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.—[7*th* April 1865.]

CAP. XIII.

An Act to confirm certain Provisional Orders under "The Drainage and Improvement of Lands Act (Ireland), 1863," *and the Act amending the same.* —[7*th* April 1865.]

CAP. XIV.

An Act to make better Provision for the Naval Defence of the Colonies.—[7*th* April 1865.]

CAP. XV.

An Act to extend the Term for granting fresh Letters Patent

Patent for the High Courts in India, *and to make further Provision respecting the Territorial Jurisdiction of the said Courts.*—[7*th* April 1865.]

CAP. XVI.

An Act to make further Provision for the Management of the Unredeemed Public Debt in Ireland, *and for the Reduction of the Interest payable on certain Sums advanced by the Bank of* Ireland *for the Public Service.*—[7*th* April 1865.]

CAP. XVII.

An Act to enlarge the Powers of the Governor-General of India *in Council at Meetings for making Laws and Regulations, and to amend the Law respecting the Territorial Limits of the several Presidencies and Lieutenant Governorships in* India.—[9*th* May 1865.]

CAP. XVIII.

An Act for amending the Law of Evidence and Practice on Criminal Trials.—[9*th* May 1865.]

§ 10. This Act shall not apply to *Scotland*.

CAP. XIX.

An Act to extend the Period for borrowing the Sum authorized to be raised under the Metropolitan Main Drainage Extension Act, 1863.—[9*th* May 1865.]

CAP. XX.

An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England *and* Wales.—[*9th* May 1865.]

CAP. XXI.

An Act to amend the Irish *Bankrupt and Insolvent Act,* 1857.—[*9th* May 1865.]

CAP. XXII.

An Act to amend the Acts relating to the Scottish *Herring Fisheries.*—[*9th* May 1865.]

WHEREAS an Act was passed in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter Ninety-two, intituled *An Act to amend the Law relative to the* Scottish *Herring Fisheries,* and another Act was passed in the Twenty-fourth and Twenty-fifth Years of the said Reign, Chapter Seventy-two, intituled *An Act to make further Provision for the Regulation of the* British *White Herring Fishery in* Scotland; and it is expedient that the recited Acts should be amended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

23 & 24 Vict. c. 92.

24 & 25 Vict. c. 72.

I. The Fourth Section of the first-recited Act shall be and is hereby repealed.

Section 4. of 23 & 24 Vict. c. 92. repealed.

II. It shall not be lawful to take or fish for Herrings or Herring Fry on the West Coasts of *Scotland* between the Points of *Ardnamurchan* on the North and the *Mull of Galloway* on the South at any Time between the First Day of *February* and the Thirty-first Day of *May,* inclusive, in any Year; and the Commissioners of the *British* White Herring Fishery may, on Application made to them, and after such Inquiry

Not lawful to fish for Herrings from 1st February to 31st May between Ard-

namurchan and the Mull of Galloway.

Inquiry as they shall think necessary, by Regulations to be made by them from Time to Time, fix the Periods, if any, during which it shall not be lawful to take or fish for Herrings within any other Limits or Locality on the Coasts of *Scotland;* and every Person who takes or fishes for Herrings or Herring Fry in breach or contravention of the above Enactment, or of any such Regulations, shall be liable to a Penalty of not less than Five and not exceeding Twenty Pounds for every such Offence; and all Nets used for taking or fishing for Herrings in breach or contravention of the above Enactment, or of any such Regulations, may be seized by the Superintendent appointed by the Authority of the said recited Act, or any Person acting under his Orders, or by any Officer of the *British* White Herring Fishery, or by Order of any Sheriff, Justice of the Peace, or Magistrate having Jurisdiction under the said Act, and shall be forfeited.

CAP. XXIII.

An Act to confirm a Provisional Order under "The Land Drainage Act, 1861."—[*9th* May 1865.] (England.)

CAP. XXIV.

An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," *relating to the Districts of* Bridlington, Brighouse, Burnley, Henley, Shepley, Wallingford, Llangollen, Ormskirk, Swansea, Tormoham *and* Lockwood.—[*9th* May 1865.]

CAP. XXV.

An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," *relating to the Districts of* Derby, Ramsgate, Oswestry, Bury, Heap, Cockermouth, Matlock Bath, *and* Bromsgrove.—[*9th* May 1865.]

CAP. XXVI.

An Act to provide for Superannuation Allowances to Officers of Unions in Ireland.—[26*th* May 1865.]

CAP. XXVII.

An Act for awarding Costs in certain Cases of Private Bills.—[26*th* May 1865.]

WHEREAS it is expedient to empower Committees of both Houses of Parliament on Private Bills to award Costs in certain Cases: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

When Committee report "Preamble not proved," Opponents to be entitled to recover Costs.

I. When the Committee on a Private Bill shall decide that the Preamble is not proved, or shall insert in such Bill any Provision for the Protection of any Petitioner, or strike out or alter any Provision of such Bill for the Protection of such Petitioner, and further unanimously report, with respect to any or all of the Petitioners against the Bill, that such Petitioner or Petitioners has or have been unreasonably or vexatiously subjected to Expense in defending his or their Rights proposed to be interfered with by the Bill, such Petitioner or Petitioners shall be entitled to recover from the Promoters of such Bill his or their Costs in relation thereto, or such Portion thereof as the Committee may think fit, such Costs to be taxed by the Taxing Officer of the House as herein-after mentioned, or the Committee may award such a Sum for Costs as they shall think fit, with the Consent of the Parties affected.

When Committee report unanimously "Opposition unfounded," Promoters to be entitled to recover Costs.

II. When the Committee on a Private Bill shall decide that the Preamble is proved, and further unanimously report that the Promoters of the Bill have been vexatiously subjected to Expense in the Promotion of the said Bill by the Opposition of any Petitioner or Petitioners against the same, then the Promoters shall be entitled to recover from the Petitioners, or such of them as the Committee shall think fit, such Portion of their Costs of the Promotion of the Bill as the Committee may think fit, such Costs to be taxed by the Taxing Officer of the House as herein-after mentioned, or such a Sum for Costs as the Committee

mittee shall name, with the Consent of the Parties affected; and in their Report to the House the Committee shall state what Portion of the Costs, or what Sum for Costs, they shall so think fit to award, together with the Names of the Parties liable to pay the same and the Names of the Parties entitled to receive the same: Provided always, that no Landowner who *bonâ fide* at his own sole Risk and Charge opposes a Bill which proposes to take any Portion of the said Petitioner's Property for the Purposes of the Bill shall be liable to any Costs in respect of his Opposition to such Bill.

Proviso.

Costs to be taxed.

III. On Application made to the Taxing Officer of the House by such Promoters or Petitioners, or by their Solicitors or Parliamentary Agents, not later than Six Calendar Months after the Report of such Committee, and in Cases where no Sum shall have been named by the Committee, with the Consent of the Parties affected, not until One Month after a Bill of such Costs shall have been delivered to the Party chargeable therewith, which Bill shall be sealed with the Seal or subscribed with the proper Hand of the Parties claiming such Costs, or of their Solicitor or Parliamentary Agent, the Taxing Officer shall examine and tax such Costs, and shall deliver to the Parties affected, or either or any of them, on Application, a Certificate signed by himself, expressing the Amount of such Costs, or in Cases where a Sum for Costs shall have been named by the Committee, with the Consent as aforesaid, such Sum as shall have been so named, with the Name of the Party liable to pay the same, and the Name of the Party entitled to receive the same, and such Certificate shall be conclusive Evidence as well of the Amount of the Demand as of the Title of the Party therein named to recover the same from the Party therein stated to be liable to the Payment thereof; and the Party claiming under the same shall, upon Payment thereof, give a Receipt at the Foot of such Certificate, which shall be a sufficient Discharge for the same.

Powers of Taxing Officer.

IV. All Powers given to the Taxing Officer by the Acts Ten and Eleven *Victoria*, Chapter Sixty-nine, and Twelve and Thirteen *Victoria*, Chapter Seventy-eight, with reference to the Examination of Parties and Witnesses on Oath, and with reference to the Production of Documents, and with reference to the Fees payable in respect of any Taxation, shall be vested in the Taxing Officer for the Purposes of this Act.

Recovery of Costs when taxed.

V. The Party entitled to such taxed Costs, or such Sum named by the Committee, with such Consent as aforesaid, or his Executors or Administrators, may demand the whole Amount thereof, so certified as above, from any One or more of the Persons liable to the Payment thereof, and in case of Nonpayment

ment thereof on Demand may recover the same by Action of Debt in any of Her Majesty's Courts of Record at *Westminster* or *Dublin*, or by Action in the Court of Session in *Scotland*. In such Action it shall be sufficient, in *England* or *Ireland*, for the Plaintiff to declare that the Defendant is indebted to him in the Sum mentioned in the said Certificate; and the said Plaintiff shall, upon filing the said Declaration, together with the said Certificate and an Affidavit of such Demand as aforesaid, be at liberty to sign Judgment as for Want of Plea by Nil dicit, and take out Execution for the said Sum so mentioned in the said Certificate, together with the Costs of the said Action, according to due Course of Law: Provided always, that the Validity of such Certificate shall not be called in question in any Court.

Form of Action in Scotland.

VI. In such Action it shall be sufficient, in *Scotland*, for the Pursuer to allege that the Defender is indebted to him in the Sum mentioned in the said Certificate, under the like Proviso in regard to the Validity of the Certificate.

Persons paying Costs may recover a Proportion from other Persons liable thereto.

VII. In every Case it shall be lawful for any Person from whom the Amount of such Costs or Sum named by the Committee with Consent as aforesaid has been so recovered to recover from the other Persons, or any of them, who are liable to the Payment of such Costs or Sum named by the Committee with Consent as aforesaid a proportionate Share thereof, according to the Number of Persons so liable, and according to the Extent of the Liability of each Person.

When Committee report "Preamble not proved," Promoters to pay Costs out of Deposits.

VIII. In any Case in which the Committee shall have reported that the Preamble is not proved, and where, in accordance with the Standing Orders of either House of Parliament and of an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Deposit of Money or Stock is made with respect to the Application to Parliament for an Act, the Money or Stock so deposited shall be a Security for the Payment by the Promoters of the Bill for the Act of all Costs or Sums in respect of Costs, if any, payable by them under this Act; and every Party entitled to receive any Costs or Sum so payable shall accordingly have a Lien available in Equity for the same on the Money or Stock so deposited, and the Lien shall attach thereon at the Time when the Bill is first referred to a Committee of either House of Parliament; provided that where several Parties have the Lien for an Amount exceeding in the aggregate the net Value of the Money or Stock, their respective Claims shall proportionately abate.

Definition of Promoters.

IX. When a Bill is not promoted by a Company already formed, all Persons whose Names shall appear in such Bill as promoting the same, and in the event of the Bill passing the

Company thereby incorporated, shall be deemed to be Promoters of such Bill for all the Purposes of this Act.

Meaning of Private Bill.

X. For the Purposes of this Act the Expression Private Bill shall extend to and include any Bill for a Local and Personal Act.

Commencement of Act.

XI. That this Act shall not take effect before the First Day of *November* One thousand eight hundred and sixty-five.

CAP. XXVIII.

An Act to authorize certain Payments out of the Land Revenues of the Crown to provide Compensation for certain Claims in the Isle of Man.—[26*th* May 1865.]

CAP. XXIX.

An Act for raising the Sum of One million Pounds by Exchequer Bonds for the Service of the Year One thousand eight hundred and sixty-five.—[26*th* May 1865.]

CAP. XXX.

An Act to grant certain Duties of Customs and Inland Revenue.—[26*th* May 1865.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's public Expenses, and making an Addition to the public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several Rates and Duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal,

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Grant of Duties specified in Schedules annexed.

I. There shall be charged, collected, and paid, for the Use of Her Majesty, Her Heirs and Successors, the several Rates and Duties of Customs and Inland Revenue respectively specified and contained in the several Schedules marked respectively (A.), (B.), and (C.) to this Act annexed; and the said Rates and Duties shall respectively take effect at or from the respective Times, and shall continue to be charged, collected, and paid for and during the Periods respectively specified or mentioned in that Behalf in the said Schedules respectively, and where no Period is specified or limited for the Duration thereof the same shall continue to be charged, collected, and paid respectively until Parliament shall otherwise order; and the said several Schedules shall be deemed to be Part of this Act.

Provisions of former Acts to apply to this Act.

II. All the Powers, Provisions, Clauses, Regulations, Allowances, and Exemptions, Forfeitures, Pains, and Penalties, contained in or imposed by any Act or Acts, or any Schedule thereto, relating to any Duties of the same Kind or Description as the several Rates or Duties granted by this Act respectively, and in force at the Time of the passing of this Act, and not hereby expressly repealed, or, as regards the Income Tax, in force on the Fifth Day of *April* One thousand eight hundred and sixty-five (except as herein-after provided), shall respectively be in full Force and Effect with respect to the said Rates and Duties by this Act granted respectively, so far as the same are or shall be applicable, in all Cases not hereby expressly provided for, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said last-mentioned Rates and Duties respectively, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually, to all Intents and Purposes, as if the same had been herein repeated and specially enacted, *mutatis mutandis*, with reference to the Rates and Duties by this Act granted respectively: Provided always, that for the Purposes of this Act the Year One thousand eight hundred and sixty-two, mentioned in the Forty-third Section of the Act passed in the Twenty-fifth Year of Her Majesty's Reign, Chapter Twenty-two, shall be read as and deemed to mean the Year One thousand eight hundred and sixty-five.

The Sums assessed to the Income Tax under Schedules A.) and

III. The Sum charged as the annual Value or Amount of any Property, Profits, or Gains in the several and respective Assessments of Income Tax made in pursuance of the Act passed in the Twenty-seventh Year of Her Majesty's Reign, Chapter

(B.) for the Year 1864 to be taken as the annual Value for Assessment under this Act.

Chapter Eighteen, under Schedules (A.) and (B.) respectively of the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, for the Year ended on the Fifth Day of *April* One thousand eight hundred and sixty-five, shall (except as to Railways and otherwise as provided by the Acts relating to Income Tax) be taken as the annual Value or Amount of such Property, Profits, or Gains respectively for the Year commencing on the Sixth Day of *April* One thousand eight hundred and sixty-five, and the Duties of Income Tax granted by this Act, and chargeable under the said Schedules respectively, shall be computed, assessed, and charged according to such annual Value or Amount; and the Commissioners executing the Income Tax Acts shall, for each Place within their several and respective Districts, cause Duplicates of the Assessments of the said Duties so computed, assessed, and charged under the said Schedules (A.) and (B.) for the said last-mentioned Year to be made out and delivered together with Warrants for collecting the same; and in *England* the said Commissioners shall appoint such Persons, being Inhabitants of the Place to which the Duplicate shall relate, as they the said Commissioners shall think fit, to be Collectors of the Duties thereby charged, in like Manner as if such Persons had been presented to them by Assessors under the Acts now in force: Provided always, that the said Assessments shall be subject to be increased in like Manner as the Assessments made for the Year ended on the Fifth Day of *April* One thousand eight hundred and sixty-five, and subject also to be abated or discharged at the end of the Year commencing on the Sixth Day of *April* One thousand eight hundred and sixty-five for any Cause allowed by the said Acts; provided that whenever it shall appear that any Property, Profits, or Gains chargeable under the said Schedules (A.) and (B.) respectively have not been charged by the Assessments made for the Year ended on the Fifth Day of *April* One thousand eight hundred and sixty-five, such Property, Profits, and Gains shall be assessed to the Duties of Income Tax granted by this Act under the Provisions of the said several Acts applicable thereto.

Assessors not to be appointed for Duties under Schedules (A.) and (B.)

IV. No Assessors shall be appointed for the Duties payable under the said Schedules (A.) and (B.), but the Inspectors or Surveyors of Taxes shall act as Assessors in respect of such Duties whenever it shall be necessary; and in lieu of the Poundage granted by the One hundred and eighty-third Section of the Act of the Fifth and Sixth Years of Her Majesty, Chapter Thirty-five, to be divided between the Assessors and Collectors in regard to the Duties which shall be collected under the said Schedules

Schedules (A.) and (B.), there shall be paid a Poundage of Three Halfpence to the Collectors of the said Duties.

Power to increase Number of Commissioners for General Purposes in certain Cases.

V. Whereas by Section Four of the Act passed in the Fifth and Sixth Years of Her Majesty, Chapter Thirty-five, Provision is made for choosing and appointing Persons to be Commissioners for the Execution of the Income Tax Acts in *Great Britain*, and the Number of Persons so to be appointed is limited to Seven Persons appointed Commissioners for the General Purposes of the said Acts, and Seven to supply Vacancies amongst such Commissioners, in each District or Division, and it is necessary to increase the Number of such Commissioners and Persons respectively in certain Cases: Be it enacted, That whenever it shall appear to the Board of Inland Revenue that the Number of Persons so appointed or to be appointed for any District, Division, or Place in *Great Britain* is insufficient for the proper Discharge of the Business arising under this Act, the Board shall authorise the Increase of the Number of Persons to be chosen Commissioners for General Purposes for such District, Division, or Place to any Number not exceeding Fourteen, and of Persons to supply Vacancies amongst such Commissioners to any Number not exceeding Fourteen, and such Persons shall respectively be appointed and chosen according to the Regulations contained in the said Enactment.

No Reduction to be made unless Profits of the Year are proved less than the Average of last Three Years.

VI. And whereas by Section One hundred and thirty-three of the said Act of the Fifth and Sixth Years of Her Majesty's Reign, Provision is made for giving Relief, by Reduction of the Assessment, or Repayment of Duty, in certain Cases where the Profits of the Year of Assessment fall short of the Sum on which the Assessment has been made: Be it enacted, That no such Reduction or Repayment shall be made in any such Case unless the Profits of the said Year of Assessment are proved to be less than the Profits for One Year on the Average of the last Three Years, including the said Year of Assessment; nor shall any such Relief extend to any greater Amount than the Difference between the Sum on which the Assessment has been made and such average Profits for One Year as aforesaid.

SCHE-

SCHEDULES.

SCHEDULE (A.)

CONTAINING the DUTY of CUSTOMS granted by this Act.

In lieu of the Duties of Customs now charged on Tea, the following Duties of Customs shall, on and after the First Day of June One thousand eight hundred and sixty-five until the First Day of August One Thousand eight hundred and sixty-six, be charged thereon, on the Importation thereof into Great Britain and Ireland; (that is to say,)

		£	s.	d.
Tea	the lb.	0	0	6

SCHEDULE (B.)

CONTAINING the STAMP DUTIES granted by this Act on FIRE INSURANCE.

In lieu of the Duties now payable in respect of Insurances against Loss or Damage by Fire only, there shall be charged, collected, and paid the following Duties; (that is to say,)

For and upon every Policy of Assurance or Insurance, or other Instrument, by whatever Name the same shall be called, whereby any Insurance shall, on or after the Twenty-fifth Day of June One thousand eight hundred and sixty-five, be made of or upon any Building, Goods, Wares, Merchandise, or other Property, from Loss or Damage by Fire only, the Duty of One Penny:

And for and upon any Note or Memorandum given as a Receipt on the Deposit of any Sum of Money preparatory to the making out or issuing of any such Policy as aforesaid, the Duty of One Penny:

And for and in respect of every such Insurance as aforesaid which shall be made, or continued or renewed, on or after the said Twenty-fifth Day of June One thousand eight hundred and sixty-five, a Duty of One Shilling and Sixpence for every One hundred Pounds insured for a Year, and at and after that Rate for any fractional Part of One hundred Pounds insured, and for any fractional Part of a Year, as well as for any Number of Years for which the Insurance shall be made, or continued or renewed; but no Fraction of a Penny shall be charged; and when any such Insurance as aforesaid shall be made or renewed at any Time between the Twenty-seventh Day of April One thousand

sand eight hundred and sixty-five and the said Twenty-fifth Day of June for any Period of Time extending beyond the said last-mentioned Day, there shall be charged and paid for and in respect of the Time intervening between the making or renewing of the said Insurance and the said Twenty-fifth Day of June the yearly Percentage Duty at and after the Rate chargeable on the said Twenty-seventh Day of April, and for and in respect of any subsequent Period, including the said Twenty-fifth Day of June, the Rate of Duty chargeable according to this Act; and no Return or Allowance of Duty, except at and after the last-mentioned Rate, shall be made, in respect of Time unexpired or otherwise, on any such Insurance as aforesaid, which shall have been made or renewed before the said Twenty-seventh Day of April One thousand eight hundred and sixty-five.

SCHEDULE (C.)

CONTAINING the Rates and Duties of INCOME TAX granted by this Act.

For One Year commencing on the Sixth Day of April One thousand eight hundred and sixty-five, for and in respect of all Property, Profits, and Gains mentioned or described as chargeable in the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, the following Rates and Duties shall be charged; (that is to say,)

For every Twenty Shillings of the annual Value or Amount of all such Property, Profits, and Gains (except those chargeable under Schedule (B.) of the said Act), the Rate or Duty of Fourpence:

And for and in respect of the Occupation of Lands, Tenements, Hereditaments, and Heritages chargeable under Schedule (B.) of the said Act, for every Twenty Shillings of the annual Value thereof—

In England the Rate or Duty of Twopence:

And in Scotland and Ireland respectively the Rate or Duty of One Penny Halfpenny:

Subject to the Provisions contained in Section Three of the Act Twenty-sixth Victoria, Chapter Twenty-two, for the Exemption of Persons whose whole Income from every Source is under One hundred Pounds a Year, and Relief of those whose Income is under Two hundred Pounds a Year.

CAP. XXXI.

An Act to enable the Commissioners of Her Majesty's Works and Public Buildings to acquire additional Lands for improving the Site of the New Public Offices in Downing Street *and the Approaches thereto.*—[2*d* June 1865.]

CAP. XXXII.

An Act to enable the Secretary of State in Council of India *to acquire additional Lands for improving the Site of the* India *Office and the Approaches thereto.*—[2*d* June 1865.]

CAP. XXXIII.

An Act to repeal the Act of the Parliament of Ireland, *of the Sixth Year of* Anne, *Chapter Eleven, for explaining and amending the several Acts against Tories, Robbers, and Rapparees.*—[2*d* June 1865.]

CAP. XXXIV.

An Act to make the Metropolitan Houseless Poor Act perpetual.—[2*d* June 1865.]

CAP. XXXV.

An Act to amend the Law relating to the Police Superannuation Funds in Counties and Boroughs. —[2*d* June 1865.] (England and Wales.)

CAP. XXXVI.

An Act to amend the Law relating to the Registration of County Voters, and to the Powers and Duties of revising Barristers in certain Cases.—[2*d* June 1865.] (England).

CAP. XXXVII.

An Act to make better Provision respecting the Transaction of County Business and the Administration of Justice at Quarter Sessions in the County of Sussex ; *and to confirm certain Proceedings of the Justices of the said County.*—[2*d* June 1865.]

CAP. XXXVIII.

An Act to authorize the Alteration of the Time for holding Statutory Meetings of Commissioners of Supply in Scotland.—[19*th* June 1865.]

WHEREAS an Annual Statutory Meeting of the Commissioners of Supply for each County in *Scotland* is held on the Thirtieth Day of *April;* but in some Counties it has been found inconvenient to hold the Annual Meeting on that Day, and it is expedient that the Commissioners of Supply should be authorized to alter the Day of Meeting: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The Commissioners of Supply Meetings (*Scotland*) Act, 1865."

Requisition stating Intention to propose

II. Any Six Commissioners of Supply of any County in *Scotland* may present to the Convener of such County a Requisition in Writing, in the Form of the Schedule (A.) to this

Alteration may be presented to Convener of County.

this Act annexed, or as near as may be, and signed by them, stating their Intention to propose at any Statutory Meeting of the Commissioners of Supply of such County to be held on the Thirtieth Day of *April* in any Year, or, if that Day be a *Sunday*, on the first lawful Day thereafter, or at any General or Adjourned Meeting of the Commissioners of Supply of such County to be held in the Month of *September* or *October* in any Year, an Alteration of the Day for holding the Annual Statutory Meeting of the Commissioners of Supply of such County, and specifying the Day on which it is proposed that such Meeting should thereafter be held, not being earlier than the First Day of *April*, and not being later than the Twelfth Day of *May*, and requiring the Convener to give Notice of such proposed Alteration.

Notice of Requisition to be given.

III. On the said Requisition being presented to the Convener of such County he shall cause Notice thereof to be given by Publication of the said Requisition for Three successive Weeks previous to the Meeting at which such Alteration is to be proposed, in at least One Newspaper published in *Edinburgh* and One Newspaper published in the County, or if no Newspaper is published therein, in a Newspaper published in some adjoining County, and by Circular containing a Copy of the said Requisition, and forwarded by Post to each Commissioner of Supply at his last known or usual Address One Month at least previous to such Meeting.

Commissioners of Supply may resolve on Alteration of Day for holding Statutory Meetings.

IV. The Commissioners of Supply of such County may, by the Votes of not less than Two Thirds of the Commissioners of Supply who are present at such Meeting, resolve that the Annual Statutory Meeting of the Commissioners of Supply in such County shall cease to be held on the Day on which it is then held, and shall be held on the Day specified in the said Requisition, or on such other Day as they think fit, not being earlier than the First Day of *April*, and not being later than the Twelfth Day of *May;* and the Resolution of such Meeting may be in the Form of the Schedule (B.) to this Act annexed, or as near as may be; and a Copy of the said Resolution, signed by the Convener of the County and the Clerk of Supply, shall, within Ten Days after such Meeting, be recorded in the Sheriff Court Books of the County.

Statutory Meetings to be held on the Day fixed in the Resolution of the Meeting.

V. From and after the passing and recording of the said Resolution, the Annual Statutory Meeting of the Commissioners of Supply of such County shall be held on the Day specified in the said Resolution; and any Meeting of the Commissioners of Supply and Justices of the Peace of such County which may by any Act of Parliament or otherwise be directed or appointed to be held on the same Day as the Annual Statutory

Statutory Meeting of the Commissioners of Supply shall also be held on the Day specified in the said Resolution.

Meetings to be held to be Statutory Meetings.

VI. The Meetings to be held on the Day specified in the said Resolution shall in all respects, and for all Purposes whatsoever, be the Annual Statutory Meetings of the Commissioners of Supply, and of the Commissioners of Supply and Justices of the Peace respectively, in and for such County; and all Rates, Taxes, and Assessments which, under the Provisions of any Public or Local Act of Parliament now in force or hereafter to be passed, the Commissioners of Supply or the Commissioners of Supply and Justices of the Peace of such County respectively are required or directed to fix or impose at their Annual Statutory Meetings, shall be fixed and imposed by the Commissioners of Supply or the Commissioners of Supply and Justices of the Peace of such County respectively present at the Annual Meetings to be held on the Day specified in the said Resolution; and all Acts, Matters, and Proceedings which, under the Provisions of any Public or Local Act of Parliament now in force or hereafter to be passed, or otherwise, are required or directed to be done, considered, or determined at any Statutory Meeting of the Commissioners of Supply or of the Commissioners of Supply and Justices of the Peace of such County respectively, may be done, considered, and determined at the Annual Meetings to be held on the Day specified in the said Resolution.

Meeting of Commissioners for Election of a new Convener of a County.

VII. Whenever it is necessary to elect a Convener of a County, other than the Person who has hitherto filled that Office, it shall be the Duty of the Clerk of Supply, within One Week of being apprised of a Vacancy, to cause it to be notified by Advertisement and Circular as herein-before provided, and to summon a Meeting of Commissioners of Supply to assemble for such Election within Six Weeks of the Issue of such Notification.

SCHEDULE (A.)

Form of Requisition.

[*Date.*]

We, the undersigned Commissioners of Supply of the County of do hereby, in pursuance of the Provisions of "The Commissioners of Supply Meetings (Scotland) Act, 1865," intimate that at the Meeting of the Commissioners of Supply of the said County to be held at on the Day of next,

next, we intend to propose that the Annual Statutory Meeting of the Commissioners of Supply of the said County shall hereafter be held on Day of April [*or* May], [*or* on the First (Second, Third, *or* Fourth, *as the Case may be*) Tuesday (*or other Day of the Week*) of the Month of April [*or* May]; and we have to request that you will cause Notice of this Requisition to be given in Terms of the said Act.

To the Convener of the County of

SCHEDULE (B.)

Form of Resolution.

The Commissioners of Supply of the County of resolve that the Annual Statutory Meeting of the Commissioners of Supply of the said County shall cease to be held on [*the Day on which it is then held*], and shall be held on the Day of April [*or* May], [*or* on the First (Second, Third, *or* Fourth, *as the Case may be*) Tuesday (*or other Day of the Week*) of the Month of April [*or* May] in each Year hereafter.

CAP. XXXIX.

An Act to authorize the Inclosure of certain Lands, in pursuance of a Report of the Inclosure Commissioners for England *and* Wales.—[19*th* June 1865.]

CAP. XL.

An Act to extend to the Court of Chancery of the County Palatine of Lancaster *certain of the Provisions of an Act passed in the Session holden in the Twenty-third and Twenty-fourth Years of Her present Majesty, intituled* An Act to give to Trustees, Mortgagees, and others certain Powers now commonly inserted in Settlements, Mortgages, and Wills.—[19*th* June 1865.]

CAP. XLI.

An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," *relating to the Districts of* Sheffield, Bradford, *and* Gloucester. —[19*th* June 1865.]

CAP. XLII.

An Act for facilitating the Annexation of Tithes to District Churches.—[19*th* June 1865.] (England.)

CAP. XLIII.

An Act to provide for the Security of Property of Married Women separated from their Husbands in Ireland.—[19*th* June 1865.]

CAP. XLIV.

An Act for Confirming a Provisional Order made by the Board of Trade under the Merchant Shipping Act Amendment Act, 1862, *relating to the Pilotage of the River* Tyne.—[19*th* June 1865.]

CAP. XLV.

An Act to provide for the Collection by means of Stamps of Fees payable in the Superior Courts of Law at Westminster, *and in the Offices belonging thereto.*—[19*th* June 1865.]

CAP. XLVI.

An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.—[19*th* June 1865.]

CAP. XLVII.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the disembodied Militia in Great Britain *and* Ireland; *to grant Allowance in certain Cases to Subaltern officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant-Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-Commissioned Officers.*—[19*th* June 1865.]

CAP. XLVIII.

An Act to supply Means towards defraying the Expenses of providing Courts of Justice and the various Offices belonging thereto; and for other Purposes.—[19*th* June 1865.]

CAP. XLIX.

An Act to enable the Commissioners of Her Majesty's Works and Public Buildings to acquire a Site for the Erection and Concentration of Courts of Justice, and of the various Offices belonging to the same.—[19*th* June 1865.]

CAP. L.

An Act for regulating the keeping of Dogs, and for the Protection of Sheep and other Property from Dogs, in Ireland.—[19*th* June 1865.]

CAP. LI.

An Act to enable the Admiralty to Contract for certain Works in connexion with the Extension of Her Majesty's Dockyards.—[29*th* June 1865.]

CAP. LII.

An Act to amend "The Drainage and Improvement of Lands Acts (Ireland)," *and to afford further Facilities for the Purposes thereof.*—[29*th* June 1865.]

CAP. LIII.

An Act to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) *Act,* 1863," *and the Act amending the same.*—[29*th* June 1865.]

CAP. LIV.

An Act to alter the Days between which Pheasants may not be killed in Ireland.—[29*th* June 1865.]

CAP. LV.

An Act to empower the University of Oxford *to make Statutes as to the* Vinerian *Foundation in that University.*—[29*th* June 1865.]

CAP. LVI.

An Act to provide for the better Prevention of Trespass in Scotland.—[29*th* June 1865.]

WHEREAS it is expedient that Provision should be made for the better Prevention of Trespass in *Scotland:* Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The Trespass (*Scotland*) Act, 1865."

Interpretation of Terms.

II. In this Act the following Words shall have the Meanings hereby assigned to them:

"Premises" shall mean and include any House, Barn, Stable, Shed, Loft, Granary, Outhouse, Garden, Stackyard, Court, Close, or inclosed Place:

"Magistrate" shall mean and include the Sheriff and Sheriff Substitute, or any One or more Justice or Justices of the Peace, or any One or more Magistrate or Magistrates, having Jurisdiction respectively in the County or Burgh where any Offence against the Provisions of this Act is committed, or where any Person charged with such Offence is found or brought to Trial:

"Procurator Fiscal" shall mean and include the Procurator Fiscal of the Court having such Jurisdiction.

Parties lodging in Premises or encamping on Land, without Permission, guilty of an Offence.

III. Every Person who lodges in any Premises, or occupies or encamps on any Land, being private Property, without the Consent and Permission of the Owner or legal Occupier of such Premises or Land, and every Person who encamps or lights a Fire on or near any private Road or inclosed or cultivated Land, or in or near any Plantation, without the Consent and Permission of the Owner or Legal Occupier of such Road, Land, or Plantation, or on or near any Turnpike Road, Statute Labour Road,

Road, or other Highway, shall be guilty of an Offence punishable as herein-after provided.

Apprehension and Punishment of Offenders.

IV. Every Person who commits any Offence against the Provisions of this Act may, if found in the Act of committing the same by any Officer of Police or Constable, be apprehended by such Officer or Constable, and detained in any Prison, Police Station, Lock-up, or other Place of safe Custody, and not later than in the course of the next lawful Day after he shall have been so taken into Custody shall be brought before a Magistrate; and every Person charged with the Commission of any such Offence may, if not so taken into Custody, or if he shall have been liberated on Bail or Pledge, be summoned to appear before a Magistrate, and on being convicted of such Offence on his own Confession, or on the Evidence of One or more credible Witnesses, shall for a First Offence be liable to a Penalty not exceeding Twenty Shillings, or to Imprisonment for any Period not exceeding Fourteen Days, and for a Second or any subsequent Offence shall be liable to a Penalty not exceeding Forty Shillings, or to Imprisonment for any Period not exceeding Twenty-one Days.

As to Prosecutions under Act.

V. Every Prosecution for an Offence against the Provisions of this Act shall be raised and proceeded in at the Instance of the Procurator Fiscal, and shall be heard and determined by One or more Magistrate or Magistrates in a summary Form; and every such Prosecution shall be commenced within One Month after the Offence has been committed.

CAP. LVII.

An Act to amend certain Provisions in "The Ecclesiastical Leasing Act, 1858."—[29*th* June 1865.]

CAP. LVIII.

An Act for confirming, with Amendments, certain Provisional Orders made by the Board of Trade under "The General Pier and Harbour Act, 1861," *relating to* Carrickfergus, Hastings, Maldon, Northam, *and* Shanklin.—[29*th* June 1865.]

CAP. LIX.

An Act for confirming, with Amendments, a Provisional Order made by the Board of Trade under "The Merchant Shipping Act Amendment Act, 1862," *relating to the Pilotage of the Port of* Sunderland.—[29*th* June 1865.]

CAP. LX.

An Act to render Owners of Dogs in England *and* Wales *liable for Injuries to Cattle and Sheep.*—[29*th* June 1865.]

CAP. LXI.

An Act for providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of Dover *and* Portland, *and of creating a Central Arsenal.*—[29*th* June 1865.]

CAP. LXII.

An Act to provide for the Exemption of Churches and Chapels in Scotland *from Poor Rates.*—[29*th* June 1865.]

3 & 4 W. 4. c. 30.

WHEREAS by the Act Third and Fourth *William* the Fourth, Chapter Thirty, it is provided that no Person shall be liable to be rated for or to pay Church or Poor Rates for or in respect of any Churches, District Churches, Chapels, Meeting

Meeting Houses, or Premises exclusively appropriated to Public Religious Worship, and which (other than Churches, District Churches, and Episcopal Chapels of the Established Church) shall be duly certified for the Performance of such Religious Worship according to the Provision of any Act then in force; and that no Person shall be liable to such Rates, because such Churches, Chapels, Meeting Houses, or other Premises, or any Vestry Rooms belonging thereto, or any Part thereof, may be used for *Sunday* or Infant Schools, or for the charitable Education of the Poor: And whereas, according to the general Practice in *Scotland*, Churches and Chapels are exempted from Poor Rates, but Doubts have been entertained whether the recited Act extends to *Scotland:* Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Places exclusively appropriated to Public Religious Worship in Scotland not liable for Poor Rates.

I. No Person shall be rated or be liable to be rated for or to pay any Poor Rates for or in respect of any Church, Chapel, Meeting House, or Premises in *Scotland* exclusively appropriated to Public Religious Worship; and no Person shall be liable to any such Rates because such Church, Chapel, Meeting House, or other Premises, or any Room belonging thereto, or any Part thereof, may be used for *Sunday* or Infant Schools, or for the charitable Education of the Poor.

CAP. LXIII.

An Act to remove Doubts as to the Validity of Colonial Laws.—[29*th* June 1865.]

CAP. LXIV.

An Act to remove Doubts respecting the Validity of certain Marriages contracted in Her Majesty's Possessions Abroad.—[29*th* June 1865.]

CAP. LXV.

An Act to explain "The Defence Act, 1860."—[29*th* June 1865.]

23 & 24 Vict. c. 112.

WHEREAS it is expedient to explain "The Defence Act, 1860:" Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation of Words "Barns, Hovels," &c. in Sect. 34. of recited Act.

I. The Words "Barns, Hovels, and other like Structures of Wood" in the Thirty-fourth Section of the said Act shall be construed to mean only such Barns and Hovels as are constructed altogether of Wood, and are used for the Shelter of Cattle or Sheep, or for the Storage of agricultural Produce, or for some other like agricultural Purpose.

Act and recited Act to be construed together.

II. This Act may be read and construed as Part of the said recited Act.

CAP. LXVI.

An Act to allow the charging of the Excise Duty on Malt according to the Weight of the Grain used. —[29*th* June 1865.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commencement of Act.

I. This Act shall (except where otherwise expressly enacted) commence and take effect on the First Day of *September* One thousand eight hundred and sixty-five.

Maltster entitled to have the Duty upon Malt made by him charged according to the

II. Any Maltster who shall desire to have the Duty payable upon Malt made by him charged according to the Weight of the Corn or Grain used in the making of such Malt under the Provisions of this Act shall give notice in Writing of such his Desire to the Officer of Excise under whose Survey he shall be, and upon his complying with the Provisions of this Act in other respects he shall be entitled to have the Duty charged accordingly

accordingly in respect of any Corn or Grain which he shall wet or steep at any Time and from Time to Time after the Expiration of Four clear Days from the giving of such Notice: Provided always, that if the Maltster who shall have given such Notice shall not begin to make, or shall discontinue making, Malt to be charged with Duty under the Provisions of this Act, for the Space of One Calendar Month, the Notice given by him shall be of no further Avail, and he shall not be entitled to the Privilege of having the Duty on Malt made by him charged under the Provisions of this Act until after he shall have given a fresh Notice in the Manner herein-before required. Weight of the Grain used.

III. Every Maltster who shall have given such Notice as aforesaid shall, before he shall place any Corn or Grain in any Cistern for the Purpose of being made into Malt to be charged with Duty under the Provisions of this Act, provide and affix to such Cistern a proper and secure Cover, with proper Fastenings, to the Satisfaction of the Supervisor of Excise, or any other Officer of Excise of superior Rank to a Supervisor; and such Cover shall, when there shall be any Corn or Grain in such Cistern, be kept locked and secured by the Officers of Excise during such Period of Time as the Commissioners of Inland Revenue shall by their Regulation or Order direct in that Behalf; and no Maltster shall, after such Cover shall have been locked and secured as aforesaid, open, remove, or damage such Cover, or obtain Access to the Corn or Grain in such Cistern. Cover to be affixed to Cistern.

IV. The Maltster shall give Forty-eight Hours Notice in Writing to the Officer of Excise under whose Survey he shall be of the Day and Hour when he intends to steep Corn or Grain to be made into Malt under the Provisions of this Act; and in such Notice the Maltster shall specify the Day and the particular Hour when he intends to place the Corn or Grain in the Cistern (which Hour shall not be later than Twelve o'Clock at Noon of the Day preceding the Day on which it is intended to steep such Corn or Grain); and if any Notice shall be given contrary hereto, or if the whole of the Corn or Grain shall not be steeped within Three Hours, or placed in the Cistern within One Hour, after the respective Times mentioned in any Notice in that Behalf, such Notice shall be null and void. Notice to be given of the steeping of Grain.

V. The Maltster, or his chief Workman or Servant, shall, immediately after the Corn or Grain shall have been placed in the Cistern for the Purpose of being made into Malt under the Provisions of this Act, fill up and sign a Declaration in Writing, stating the true Weight *per* Bushel of the Corn or Grain so intended to be made into Malt as aforesaid; and such Declaration shall be delivered by the said Maltster, or his chief Workman or Servant, to the Officer of Excise on his First Visit after Declaration to be given of the Weight of Grain to be steeped.

after the Corn or Grain shall have been placed in the Cistern as aforesaid; and no other or different Corn or Grain shall be substituted for the Corn or Grain, or any Part thereof, which shall have been placed in any Cistern for the Purpose of being made into Malt under the Provisions of this Act after the same shall have been taken Account of by any Officer of Excise.

Mode of ascertaining Weight of Grain.

VI. After any Corn or Grain shall have been placed in the Cistern the Weight thereof shall be ascertained by any Officer of Excise, who shall take a Sample or Samples of such Corn or Grain before any Water shall be added thereto; and the Weight of a Bushel of the Corn or Grain so taken as a Sample or Samples as aforesaid, after the same shall have been screened and cleaned (if the Officer shall think fit to require such screening and cleaning), shall be deemed to be the Weight *per* Bushel of the whole of the Corn or Grain in the Cistern: Provided that if in the Weight of the Sample Bushel there shall be a Fraction of a Pound amounting to One Half or upwards, such Fraction shall be reckoned as an entire Pound, but no Account shall be taken of any Fraction less than Half a Pound.

Mode of calculating Duty on Malt when charged according to Weight.

VII. For the Purpose of calculating and charging the Duty upon Malt made under the Provisions of this Act, a measured Bushel of dry Corn or Grain of the Weight of Fifty-three Pounds Avoirdupois shall, for the Purposes of this Act, be deemed to be the standard Weight on which the Amount of Duty payable upon a Bushel of Malt shall be chargeable; and in order to ascertain the Number of Bushels of Malt to be charged on any steeping of Corn or Grain to be made into Malt, the Quantity shall first be calculated by Gauge according to the existing Laws and Regulations in that Behalf, and such Quantity shall then be multiplied by the Number of Pounds which the Sample Bushel taken from such Corn or Grain in the Manner directed by this Act shall be found to weigh, and the Product be divided by Fifty-three, and the Quotient of such Division shall be the Quantity upon which the Duty shall be charged: Provided that if no Sample Bushel of the Corn or Grain shall have been taken as herein-before directed, then the Quantity of Malt, when calculated by Gauge as aforesaid, shall be multiplied by the Weight of a Bushel of the Corn or Grain as declared by the Maltster, his Workman or Servant, and the Product be divided as aforesaid.

Maltster to provide Scales and Weights and Bushel Measure.

VIII. The Maltster shall provide and keep proper and correct Scales and Weights, and a correct Bushel Measure, to the Satisfaction of the Supervisor of Excise of the District in which the Malthouse is situated, for the Purpose of weighing and measuring Corn and Grain to be made into Malt under the Provisions of this Act; and such Scales and Weights and Measure

Measure shall at all Times be kept in the Malthouse, and such Maltster and his Servants shall allow any Officer of Excise to use the same, and shall also, upon Request, render to any such Officer who shall be desirous of weighing or measuring such Corn or Grain, or any Part thereof, such Assistance as the said Officer shall require.

Officer may weigh any Grain in the Malthouse of a Maltster making Malt under the Provisions of this Act.

IX. It shall be lawful for any Supervisor of Excise, or any other Officer of Excise of superior Rank to a Supervisor, to measure and weigh any Corn or Grain in the Malthouse of any Maltster who shall make Malt under the Provisions of this Act, and for that Purpose to use the Weights and Scales and Bushel Measure belonging to such Maltster; and the Maltster and his Workmen or Servants shall, when requested by any such Supervisor or other Officer as aforesaid, render to them respectively such Assistance as they may require in measuring and weighing such Corn or Grain.

Penalty where the Weight of Grain shall exceed declared Weight.

X. If after any Corn or Grain shall have been placed in the Cistern for the Purpose of being made into Malt under the Provisions of this Act, and before the wetting thereof the Weight of a Bushel of such Corn or Grain (screened and cleaned as aforesaid, if the Officer shall require it) shall be found by any Officer of Excise to be in excess of the Weight declared by the Maltster or his chief Workman or Servant by such Declaration as aforesaid in a greater Proportion than Two Pounds Avoirdupois *per* Bushel, the Maltster shall forfeit the Sum of One hundred Pounds.

Grain making into Malt may be sprinkled at the Expiration of Ninety Hours after being emptied from Cistern.

XI. That it shall be lawful for any Maltster to water or sprinkle any Corn or Grain making into Malt at the expiration of Ninety Hours after the same shall have been taken out of the Cistern, provided such Corn or Grain shall have been kept covered with Water in the Cistern for the full Space of Fifty Hours from the Time of such Corn or Grain being first wetted or steeped, and the Maltster shall have given to the Officer of Excise Twenty-four Hours previous Notice in Writing of his Intention to water or sprinkle such Corn or Grain as aforesaid, anything in any former Act contained to the contrary notwithstanding.

Penalty for Offences against this Act.

XII. If any Act, Matter, or Thing by this Act required or directed to be done or performed by any Maltster or his Workman or Servant shall be omitted or neglected or refused to be done or performed by them respectively, or if any Act, Matter, or Thing prohibited by this Act shall be done or permitted by any Maltster or his Workman or Servant, the Maltster shall in every such Case forfeit the Sum of One hundred Pounds over and above any other Penalty or Penalties to which he may be subject under any other Act now in force.

XIII. The

Condition No. 3. in Sect. 28. of 23 & 24 Vict. c. 113. repealed, and other Provisions made.

XIII. The Condition numbered "Three" in the Twenty-eighth Section of the Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter One hundred and thirteen, is hereby repealed; and no Malt shall be exported on Drawback which, after having been screened and cleaned as directed in the said Section, shall be of less Weight than Thirty-six Pounds or of greater Weight than Forty-four Pounds Avoirdupois *per* Bushel; and the Amount of Drawback allowed by Law upon the Exportation of Malt shall be calculated in the following Manner; (that is to say,) when the Malt is of the Weight of Thirty-six Pounds and under Forty Pounds Avoirdupois *per* Bushel, the Amount of Drawback allowable by Law upon a Bushel of Malt shall be allowed and paid in respect of every Forty Pounds Avoirdupois of the Malt exported; and when the Malt shall weigh Forty Pounds Avoirdupois or upwards *per* Bushel, the Drawback shall be allowed and paid according to the Quantity ascertained by Measure as heretofore; subject, however, in either Case, to the Deduction of Seven and a Half *per Centum* upon the Quantity ascertained, as directed by the Thirtieth Section of the above-mentioned Act.

12 G. 1. c. 4. ss. 48 to 59, and 3. G. 4. c. 18. ss. 12 to 16, and 18 & 19, relating to the Exportation of Malt on Drawback, repealed.

XIV. The several Portions of Acts herein-after mentioned relating to the making of Malt for Exportation, and the Exportation of Malt, shall be and the same are hereby repealed, save and except as to any Malt made for Exportation before the Commencement of this Act; (that is to say,) Sections Forty-eight to Fifty-nine, both inclusive, of the Act passed in the Twelfth Year of the Reign of King *George* the First, Chapter Four, and Sections Twelve to Sixteen, both inclusive, and Sections Eighteen and Nineteen, of an Act passed in the Third Year of the Reign of King *George* the Fourth, Chapter Eighteen.

Not to repeal Provisions of other Malt Acts.

XV. Nothing in this Act shall be deemed to repeal, alter, or affect any of the Provisions contained in any Act now in force relating to the Manufacture of Malt, or the Duties imposed thereon, save and except so far as such Provisions shall be specially repealed or altered by or be repugnant to the Provisions of this Act.

Continuance of Act.

XVI. This Act shall continue and be in force for Four Years from the passing thereof, and until the End of the then next Session of Parliament, and shall then expire except as to any Act done or Offence committed, or any Penalty or Forfeiture previously incurred.

CAP. LXVII.

CAP. LXVII.

An Act to amend the Acts relating to the Harbour of Kingstown.—[29*th* June 1865.]

CAP. LXVIII.

An Act to enable the Ecclesiastical Commissioners for England *to grant Superannuation Allowances to Persons employed in their Service.*—[29*th* June 1865.]

CAP. LXIX.

An Act further to amend and render more effectual the Law for providing fit Houses for the Beneficed Clergy, and for other Purposes.—[29*th* June 1865.]

CAP. LXX.

An Act to alter the Distribution of the Constabulary Force in Ireland, *and to make better Provision for the Police Force in the Borough of* Belfast.—[29*th* June 1865.]

CAP. LXXI.

An Act to amend the Acts for the Establishment of a National Gallery in Dublin.—[29*th* June 1865.]

CAP. LXXII.

An Act to make better Provision respecting Wills of Seamen and Marines of the Royal Navy and Marines.—[29*th* June 1865.]

CAP. LXXIII.

An Act for regulating the Payment of Naval and Marine Pay and Pensions.—[29*th* June 1865.]

CAP. LXXIV.

An Act to enable Her Majesty's Secretary of State for the War Department to lay down and use a Tramway or temporary Railway across certain public Roads in the County of Devon.—[29*th* June 1865.]

CAP. LXXV.

An Act for facilitating the more useful Application of Sewage in Great Britain *and* Ireland.—[29*th* June 1865.]

WHEREAS it is expedient to remove Difficulties under which Local Boards and other Bodies having the Care of Sewers labour in disposing of the Sewage of their Districts so as not to be a Nuisance, and to give Facility to such Authorities to make Arrangements for the Application of such Sewage to Land for Agricultural Purposes: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons,

Commons, in this present Parliament assembled, and by the Authority of the same :

Short Title.

I. This Act, for all Purposes, may be cited as "The Sewage Utilization Act, 1865."

Application of Act.

II. This Act shall not extend to any Part of the Metropolis as defined by the Act of the Session Eighteenth and Nineteenth Years of the present Reign, Chapter One hundred and twenty, for better Local Management of the Metropolis, and shall not, with the Exception of Clause Fifteen, extend to any Parish as defined in the Schedule to this Act in a Part of which Parish the Public Health Act, 1848, and the Local Government Act, 1858, or One of such Acts, is in force at the Time of the passing of this Act.

Definition of Sewer Authority.

III. The Expression "Sewer Authority" shall, in the several Places in the Schedule annexed hereto in that Behalf mentioned, mean the Persons or Bodies of Persons referred to in the First Column of the Schedule annexed hereto ; and the Term "District," in relation to a Sewer Authority, shall, as respects each Authority, mean the Place in that Behalf referred to in the Second Column of the said Schedule.

"Local Board" shall mean a Local Board authorized in pursuance of the "Public Health Act, 1848," and "The Local Government Act, 1858," or One of such Acts.

Powers of Sewer Authorities.

IV. Sewer Authorities shall have Power to construct such Sewers as they may think necessary for keeping their District properly cleansed and drained, and shall, as respects all Sewers constructed by them or under their Control, whether the same were made before or after the passing of this Act, have all the Powers that Local Boards have, in respect of Sewers vested in or constructed by them, under the Forty-fifth and Forty-sixth Sections of "The Public Health Act, 1848," the Thirtieth Section of "The Local Government, Act, 1858," and the Fourth Section of "The Local Government Act, 1858, Amendment Act, 1861," subject to the Provisions of the Fifth and Sixth Sections of the last-mentioned Act, and to the Saving Clauses in "The Local Government Act, 1858," mentioned, from Sixty-eight to Seventy-four, both inclusive ; and in *Scotland*, in addition to such of the aforesaid Powers as are applicable to *Scotland*, all the Powers contained in Section Seven (Public Sewers) of Part Four of "The General Police and Improvement (*Scotland*) Act, 1862."

Power of Entry.

V. The Sewer Authority shall have the Powers of Entry conferred by the One hundred and forty-third Section of the "Public Health Act, 1848," for the Purposes of making or keeping in repair any Works made or to be made by them, as well as for the Purposes specified in the said Section.

VI. A

Payment of Expenses.

VI. A Sewer Authority shall pay all Expenses incurred by them in carrying this Act into effect out of the Fund or Rate in the Schedule in that Behalf mentioned, and shall have all such Powers of borrowing Money on the Security of such Fund or Rate as Local Boards have of borrowing Money under "The Local Government Act, 1858," and the Acts amending that Act, on the Security of the Funds or Rates in the said Acts in that Behalf mentioned, subject to the Conditions and Sanction under which such Powers are exercised by Local Boards under the said Acts.

Power to take Lands.

VII. A Sewer Authority shall, for the Purposes of this Act, have the Powers of taking Lands conferred on Local Boards by the Seventy-fifth Section of "The Local Government Act, 1858," and any Act amending the same.

Compensation.

VIII. Full Compensation shall be made, out of any Fund or Rate applicable to the Purposes of this Act, to all Persons sustaining any Damage by reason of the Exercise of any of the Powers of this Act; and in case of Dispute as to Amount, the same shall be settled by Arbitration, as provided in "The Public Health Act, 1848," or any Act amending the same, or if the Compensation claimed do not exceed the Sum of Twenty Pounds, the same may be ascertained by and recovered before Justices in a summary Manner, in manner provided by the Acts mentioned in this Section.

Power of Sewer Authorities to combine.

IX. Two or more Sewer Authorities, including under that Expression for the Purposes of this Section Local Boards, may combine together for the Purpose of executing and maintaining any Works that may be for the Benefit of their respective Districts, and all Monies they may agree to contribute for the Execution and Maintenance of such common Works shall, in the Case of each Authority, be deemed to be Expenses incurred by them in the Execution of Works within their District, and shall be raised accordingly.

Sewer Authority may take Proceedings to prevent Pollution of Streams.

X. A Sewer Authority, with the Sanction of Her Majesty's Attorney General in *England*, and of the Attorney General for *Ireland* in *Ireland*, and of the Lord Advocate in *Scotland*, may, either in its own Name or in the Name of any other Person, with the Consent of such Person, take such Proceedings by Indictment, Bill in Chancery, Action, or otherwise, as it may deem advisable, for the Purpose of protecting any Watercourse within its Jurisdiction from Pollutions arising from Sewage either within or without its District; and the Costs of and incidental to any such Proceedings, including any Costs that may be awarded to the Defendant, shall be deemed to be Expenses properly incurred by the Sewer Authority in carrying into effect the Purposes of this Act.

XI. Nothing

Sewers not allowed to drain into any Stream, &c.

XI. Nothing contained in this Act, or in the Acts referred to therein, shall authorize any Sewer Authority to make a Sewer so as to drain direct into any Stream or Watercourse.

Power to Public Works Loan Commissioners to lend Money to Sewer Authorities.

XII. The Public Works Loan Commissioners, as defined by "The Public Works Loan Act, 1853," may advance to any Sewer Authority, upon the Security of any Rate applicable to the Purposes of this Act, without any further Security, such Sums of Money as may be recommended by One of Her Majesty's Principal Secretaries of State, to be applied by such Authority in carrying into effect the Purposes of this Act.

Powers of Act cumulative.

XIII. All Powers given by this Act shall be deemed to be in addition to and not in derogation of any other Powers conferred on any Sewer Authority by Act of Parliament, Law, or Custom; and the Sewer Authority may exercise such other Powers in the same Manner as if this Act had not passed.

Sewer Authority may enter into Contract for Supply of Sewage.

XIV. The Sewer Authority of any Place may from Time to Time, for the Purpose of utilizing its Sewage, agree with any Person or Body of Persons, corporate or unincorporate, as to the Supply of such Sewage, and Works to be made for the Purpose of that Supply, and the Parties to execute the same and to bear the Costs thereof, and the Sums of Money, if any, to be paid for that Supply; provided that no Contract shall be made for the Supply of Sewage for a Period exceeding Twenty-five Years.

Application of 27 & 28 Vict. c. 114. to Works, &c. for Supply of Sewage.

XV. The making of Works of Distribution and Service for the Supply of Sewage to Lands for Agricultural Purposes shall be deemed an "Improvement of Land" authorized by the "Land Improvement Act, 1864," and the Provisions of that Act shall apply accordingly.

Board of Works in Ireland to have Power of Secretary of State in Sewage Matters.

XVI. The Commissioners of Public Works in *Ireland* shall, in respect to any Sewage Authority or Sewage Matter in *Ireland*, have and exercise all the Powers conferred by this Act, or any Act incorporated herewith, on One of Her Majesty's Principal Secretaries of State; and all Applications by this Act, or any Act incorporated herewith, authorized or directed to be made to One of Her Majesty's Principal Secretaries of State in respect to Sewage Matters, or the Powers conferred by this Act on Sewage Authorities, shall in *Ireland* be made to the Commissioners of Public Works; and all Orders made on such Applications by said Commissioners shall have the same Force and Effect as Orders made by One of Her Majesty's Principal Secretaries of State on similar Applications in *England* and *Scotland*.

SCHE-

SCHEDULE.

ENGLAND AND WALES.

Description of Local Authority.	Description of Places.	Rate or Fund out of which Expenses to be paid.
The Mayor, Aldermen, and Burgesses acting by the Council.	In Boroughs, with the Exception of the Boroughs of Oxford and Cambridge, not within the Jurisdiction of a Local Board.	The Borough Fund or Borough Rate.
The Commissioners, Trustees, or other Persons intrusted by any Local Act of Parliament with Powers of improving, cleansing, lighting, or paving the Town.	The Boroughs of Oxford and Cambridge, and any Town or Place not included within the above Descriptions, and under the Jurisdiction of Commissioners, Trustees, or other Persons intrusted by any Local Act with Powers of improving, cleansing, lighting, or paving any Town.	Any Rate leviable by the Commissioners, Trustees, or other Persons.
The Vestry, Select Vestry, or other Body of Persons acting by virtue of any Act of Parliament, Prescription, Custom, or otherwise, as or instead of a Vestry or Select Vestry.	In Parishes not within the Jurisdiction of any Sewer Authority herein-before mentioned, and in which a Rate is levied for the Maintenance of the Poor.	The Poor Rate.

SCOTLAND.

The Town Council.	Places within the Jurisdiction of any Town Council and not subject to the separate Jurisdiction of Police Commissioners or Trustees.	The Revenue of the Burgh, or any Rate applicable to Sewers leviable by the Town Council.
The Police Commissioners or Trustees.	In Places where Police Commissioners or Trustees exercise the Functions of Police Commissioners or Trustees under any General or Local Act.	Any Rate leviable by the Commissioners or Trustees, or any Fund belonging to them.
The Parochial Board.	Any Town or Village not included in the above Descriptions.	The Poor Rate.

IRELAND.

IRELAND.

Description of Local Authority.	Description of Places.	Rate or Fund out of which Expenses to be paid.
The Right Hon. the Lord Mayor, Aldermen, and Burgesses.	The City of Dublin - - -	The District Sewer Rate.
The Mayor, Aldermen, and Burgesses.	Towns Corporate or Boroughs (with the Exception of Dublin).	Any Rate leviable by the Town Council, or any Fund belonging to them, applicable in the whole or in part to the making or repairing of Sewers within their Jurisdiction.
The Town Commissioners or other Governing Body.	Towns having Town Commissioners under 9 G. 4. c. 82. or 17 & 18 Vict. c. 103., or any Acts amending the same, or having Commissioners or other Governing Body under any Local Act.	Any Rate leviable by these Bodies, or any Fund belonging to them, applicable in the whole or in part to the making or repairing of Sewers within their Jurisdiction.
The Board of Guardians or any Committee thereof appointed by the Board.	Any Town or Village in any Union not included in the above Descriptions.	The Poor Rate; but the Expenses to be charged only on the Electoral Division in which the Town or Village is situated.

CAP. LXXVI.

An Act for confirming, with Amendments, certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, *relating to* Girvan, Mevagissey, *and* Stornoway.—[29*th* June 1865.]

24 & 25 Vict. c. 45.

WHEREAS a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any Validity or Force whatever until the Confirmation thereof by Act of Parliament:

And whereas the Board of Trade have made certain Provisional Orders: And whereas those Orders have been amended by Parliament, and are, as so amended, set out in the Schedule hereto: And whereas it is expedient that the Orders so set out in the Schedule hereto be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Confirmation of Orders in Schedule.

I. The Orders set out in the Schedule hereto shall be and are hereby confirmed, and all the Provisions thereof in Manner and Form as they are set out in the said Schedule shall, from and after the passing of this Act, have full Validity and Force.

Short Title.

II. This Act may be cited as The Pier and Harbour Orders Confirmation Act, 1865, (No. 3.)

The SCHEDULE of Orders.

1. Girvan.
2. Mevagissey.
3. Stornoway.

SCHE-

SCHEDULE to which the foregoing Act refers.

GIRVAN.

Order for the Improvement and Regulation of the Harbour of Girvan in the County of Ayr.

Incorporation of Commissioners.

1. There shall be a body of Commissioners for carrying this Order into execution, which Commissioners and their successors shall be and are hereby, for the purposes of this Order, incorporated by the name of The Harbour of Girvan Improvement Commissioners, and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, lease, take, hold, and dispose of lands and other property for the purposes but subject to the restrictions of this Order.

Meaning of "the Commissioners."

2. The term "the Commissioners," when hereafter used in this Order, means the Harbour of Girvan Improvement Commissioners.

Appointment of the several Commissioners.

3. The appointment of the Commissioners shall be regulated as follows :—

(1.) The following two persons are hereby appointed Commissioners, namely,—

The heir of entail in possession for the time being of the estate known by the name of the Bargany Estate ;

The Right Honourable Thomas Francis Kennedy, and after his death the heir of entail in possession for the time being of the estate known by the name of the Dalquharran and Girvan Mains Estate ;

And in the absence of such Commissioners, or of either of them, the Factor holding the mandate of the absent Commissioner, or of his guardian or guardians should such Commissioner be an infant, may act for his principal to all intents and purposes under this Order as if he were himself such principal :

(2.) The Glasgow and South-western Railway Company, acting by the directors of the company, shall, as soon as may be after the commencement of the operation of this Order, appoint from among the directors or shareholders of that company two persons to be Commissioners, and whenever a vacancy is caused by death, resignation, or otherwise in the office of any one of those two Commissioners shall appoint another person to fill the vacany, and so toties quoties ;

 provided

provided that each appointment of a Commissioner shall be determinable at any time by the authority of the said company :

(3.) The registered shipowners of Girvan shall from time to time elect two persons to be Commissioners :

(4.) Two of the Commissioners shall be appointed annually by the Town Council of Girvan ; and whenever a vacancy is caused by death, resignation, or otherwise in the office of either of those two Commissioners within his year of office, another person shall be appointed by the Town Council to fill the vacancy.

Election of Commissioners by Girvan shipowners.

4. The election of Commissioners by the registered shipowners of Girvan shall be regulated as follows :—

(1.) The first meeting of the registered shipowners of Girvan for the election of Commissioners shall be held within the Town Hall of Girvan within one calendar month from the commencement of the operation of this Order, at a time to be advertised by Mr William Murray, of Girvan, writer, ten days at least, and in his default by some person appointed by the Board of Trade three days at least, before the day of meeting, by hand-bills posted in Girvan :

(2.) Annual meetings of the registered shipowners of Girvan for the election of Commissioners shall be held within the Town Hall of Girvan aforesaid, or at such other place within Girvan as the Commissioners from time to time appoint, on such day as the Commissioners annually appoint, the place and time of meeting being advertised by the Clerk of the Commissioners five days at least before the day of meeting by hand-bills posted in Girvan :

(3.) All persons owners of vessels or shares in vessels registered at the Custom House of Ayr as belonging to the Port of Girvan to the extent of ten registered tons or upwards, and having been possessed thereof for six months immediately previous to the date of election, and none others, shall have a voice or vote at every such meeting ; and such shipowners, being so assembled, shall elect a preses and clerk, and those present shall, if required, satisfy the preses or clerk of his qualification, by the production of the register or registers of a vessel or vessels, or by the certificate of the collector or comptroller of the Customs of the Port of Ayr ; and for every such certificate the collector or comptroller, on delivery of the same, shall be entitled to a fee not exceeding two shillings

shillings and sixpence from the person requiring the same:

(4.) Each registered shipowner, qualified as aforesaid, shall be entitled to one vote, and no more, for each of the persons proposed to be elected Commissioners; and in case of an equality the preses shall be entitled to a casting vote; and a certificate of the election, signed by the preses, shall be forthwith transmitted to the clerk of the Commissioners, and shall be conclusive evidence of the persons or person thereby appearing to have been elected having been elected:

(5.) Such one of the Commissioners elected by shipowners at the first meeting as is named last on the list of persons elected shall go out of office at the second meeting, but shall be re-eligible; the remaining one shall go out of office at the third meeting, but shall be re-eligible:

(6.) Each Commissioner elected by the registered shipowners of Girvan at the second meeting, and at subsequent annual meetings, shall go out of office at the second meeting after his election, but shall be re-eligible:

(7.) Section Nineteen of The Commissioners Clauses Act, 1847, shall apply in the case of Commissioners elected under the present clause.

Incorporation of parts of 10 & 11 Vict. c. 16.

5. The Commissioners Clauses Act, 1847, so far as the same is not inconsistent with the provisions of this Order, shall be incorporated with this Order, and shall, so far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally, subject to the following provisions:

(1.) Sections six, seven, seventeen, and eighteen, and sections twenty to thirty-five, both inclusive, of the last-mentioned Act shall not be incorporated with this Order:

(2.) With reference to section thirty-nine of the same Act, the prescribed number (constituting a quorum) of the Commissioners shall be three:

(3.) Section fifty-four of the same Act shall not be incorporated with this Order:

(4.) With reference to section eighty-four of the same Act, the sum to be every year appropriated and set apart out of the rates as a sinking fund shall be not less than one fiftieth part of the principal monies borrowed, such appropriation to commence from the expiration of twelve months after full rates are exigible under this Order:

(5.) With

(5.) With reference to section ninety of the same Act, it shall not be obligatory on the Commissioners to cause such statement and account as therein mentioned to be printed.

Undertakers.

6. The Commissioners shall be the undertakers of the works authorized by this Order.

Commencement of Commissioners' powers.

7. The Commissioners shall be deemed fully constituted and incorporated, and shall commence to act under this Order, as soon as four persons have been appointed Commissioners in addition to the two appointed by this Order; and any proceeding of the Commissioners shall not be invalidated or be illegal by reason of the non-appointment of any Commissioner, or by the want of qualification of any person acting as Commissioner, or by any informality in the appointment or election of any Commissioner.

Limits of Harbour.

8. The limits within which the Commissioners shall have authority (which shall be deemed the limits to which this Order extends) shall comprise the works by this Act authorized, and the lands, foreshore, and sea contained within the same, and shall extend from the wooden bridge which crosses the water of Girvan at or near Newton Kennedy down to and including the whole of the present harbour and quay walls, and to a distance of three hundred yards in a circle seaward from high-water mark at ordinary spring tides, the centre of the circle being a point at the entrance to the river midway between the extreme points of the proposed northern and southern piers.

Power to take lands by agreement.

9. For the purposes of the works authorized by this Order, the Commissioners may from time to time, by agreement, enter on, take, and use such lands in and around Girvan Harbour as may be required for the proposed works, not exceeding in the whole five acres.

Incorporation of Lands Clauses Acts.

10. The Lands Clauses Consolidation (Scotland) Act, 1845, and The Lands Clauses Consolidation Acts Amendment Act, 1860, except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, are hereby incorporated with this Order.

Power to execute works.

11. Subject to the provisions of this Order, the Commissioners may, on the site designated by this Order, and according to the deposited plans and sections, execute and maintain the works shown on the deposited plans and sections.

Description of Works.

12. The works authorized by this Order comprise the following:—

(1.) The general deepening, improving, and enlarging of the Harbour of Girvan;

(2.) A pier on the south side of the said harbour extending from

from high-water mark seaward a distance of three hundred and ninety feet or thereby;

(3.) A pier and harbour wall on the north side of the said harbour, commencing at a jetty belonging to the Maybole and Girvan Railway Company, and terminating at a point seven hundred feet or thereby seaward from the said jetty;

with all necessary quays, wharves, jetties, landing-places, approaches, warehouses, offices, sheds, weighing machines, works, and conveniences connected with the proposed pier and wall.

Anchorage dues abolished, and Schedule of new rates.

13. The anchorage dues hitherto leviable in the existing harbour shall continue leviable for twelve months only from the commencement of the operation of this Order, and shall then cease to be levied; and thenceforth the Commissioners may demand and receive rates in respect of the vessels, persons, animals, and goods described in the Schedule to this Order, subject to the other provisions of this Order, and subject and according to the following provisions; namely,—

(1.) Until the Commissioners have expended the sum of six thousand pounds on works authorized by this Order they may demand and receive any rates not exceeding in each instance one half of those specified in the Schedule to this Order;

(2.) As soon as they have expended the sum of six thousand pounds on works authorized by this Order they may demand and receive rates not exceeding those specified in that Schedule;

(3.) If, however, within two years from the commencement of the operation of this Order the harbour is not completed and fit for the reception at all jetties now existing, and at all quays and jetties to be constructed under this Order, of vessels capable of carrying two hundred tons of coals or other goods, then from the expiration of those two years the Commissioners shall not demand or receive any rates under this Order until the harbour is so completed and fit;

(4.) If, moreover, within three years from the commencement of the operation of this Order, the harbour is not completed and fit for the reception at all jetties now existing and at all quays and jetties to be constructed under this Order, of vessels capable of carrying three hundred tons of coals or other goods, then from the expiration of those three years the Commissioners shall not demand or receive any rates under this Order until the harbour is so completed and fit;

(5.) The

(5.) The Board of Trade may, nevertheless, if they think it expedient, extend the said period of three years for any time or times not exceeding in the whole one year.

Evidence of expenditure, &c.

14. A certificate under the hand of the Sheriff of the county of Ayr shall be conclusive evidence that the sum of six thousand pounds has been expended as aforesaid, or that the harbour is completed and fit as aforesaid (as the case may require); and the Sheriff shall sign and give such certificate on proof being adduced to him of the expenditure, or of the completion and fitness, required to be certified.

Certain fishing vessels under stress of weather exempt from rates.

15. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Customs officers.

16. Officers of customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, through, and out of the harbour and the works of the Commissioners by land, and with their vessels and otherwise, without payment.

Abolition of anchorage and other rights.

17. From and after the expiration of twelve months from the commencement of the operation of this Order all rights of the Duchesse de Coigny in respect of the custom of anchorage in Girvan Harbour, and any other right, privilege, or custom in, over, or affecting Girvan Harbour or the waters thereof, so far as the same may interfere with the rights, powers, or duties of the Commissioners, shall be abolished, but nothing in this Order shall apply to or in any manner affect any agreement now subsisting between the said Thomas Francis Kennedy and the Maybole and Girvan Railway Company.

Borrowing power.

18. The Commissioners may from time to time borrow at interest such money as may be required for the purposes of this Order, not exceeding in the whole the sum of fifteen thousand pounds, on the security of the works authorized by this Order, and of the lands and property connected therewith, and of the rates authorized by this Order, or of any of those particulars, or of any other the property of the Commissioners; and any money borrowed under this Order, and discharged otherwise than by means of the sinking fund, may be reborrowed if required for the purposes of this Order, and so toties quoties.

Money to be applied for purposes of Order.

19. Every part of the money borrowed under this Order shall be applied only for the purposes authorized by this Order.

20. The

20. The Commissioners shall apply all money received by them from the rates authorized by this Order, and all other income coming into their hands in respect of the works authorized by this Order, or from lands or property connected therewith, for the purposes and in the order following, and not otherwise :— Application of rates and income.

(1.) In paying year by year the expenses of the maintenance, management, and regulation of the works authorized by this Order, and of the lands and property connected or used therewith :

(2.) In paying off a debt or debts due to the said Duchesse de Coigny, and not exceeding in the whole the sum of six hundred pounds, the exact amount of which (not exceeding that sum) is to be ascertained by a single referee to be named by the Sheriff Substitute of the county of Ayr at Ayr :

(3.) In paying a sum of twenty-five pounds in every year after the expiration of twelve months from the commencement of the operation of this Order to the said Duchesse de Coigny, or the heir of entail in possession for the time being of the said estate of Bargany, as compensation for the said custom of anchorage :

(4.) In paying year by year the interest accruing on money borrowed under the authority of this Order, and any sum payable on account of the principal thereof :

(5.) In expending the surplus (if any) towards the deepening and improvement and general purposes of the Harbour.

21. The Commissioners may for the purposes of the works authorized by this Order, or any of them, from time to time purchase, lease, provide, or hire such steam or other dredges, steam or other engines, steam tugs, steam or other vessels, diving bells, ballast lighters, rubbish lighters, tools, plant, or other materials as they think fit, and may from time to time, as they think fit, sell and dispose of any such dredges, engines, tugs, vessels, diving bells, lighters, tools, plant, and materials as aforesaid, and shall apply the money thereby realized for carrying into effect the purposes of this Order, or some of them. Commissioners may provide engines, lighters, &c.

22. The Commissioners shall be a pilotage authority and local authority within the meaning of The Merchant Shipping Act, 1854, and the Acts amending the same, and shall have all the powers conferred by those Acts on pilotage authorities and on local authorities. Pilotage, lights, buoys, and beacons.

23. The Commissioners shall have the appointment of meters and weighers within the limits of the harbour. Meters and weighers.

24. The

Lands for extraordinary purposes.

24. The Commissioners shall not acquire for extraordinary purposes lands exceeding in extent in the whole one acre.

Exception of parts of Harbours Clauses Act.

25. Sections sixteen, seventeen, eighteen, nineteen, twenty-five, and twenty-six of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order.

Confirmation of byelaws, and provision for management of Harbour.

26. Any byelaws made under this Order and The Harbours, Docks, and Piers Clauses Act, 1847, shall not come into operation until allowed by the Board of Trade, which allowance shall be sufficient as confirmation thereof for all purposes; and it shall not be lawful for the Harbour Master by virtue of section fifty-two of that Act, or of any other authority, or for the Commissioners, to give or cause to be given any direction respecting any matter mentioned in that section, or provided for in the byelaws, further or otherwise than as he or they may be expressly authorized by the byelaws to do so.

Saving for rights of third parties.

27. Nothing in this Order shall confer on or confirm to the said Duchesse de Coigny, her heirs, executors, administrators, successors, or assigns, or on or to the said Thomas Francis Kennedy, his heirs, executors, administrators, successors, or assigns, any estate, right, title, or interest in any property or thing, or affect the estate, right, title, or interest (if any) of any person claiming any property or thing adversely to the said Duchesse, her heirs, executors, administrators, successors, or assigns, or to the said Thomas Francis Kennedy, his heirs, executors, administrators, successors, or assigns.

Costs of Order.

28. The Commissioners shall pay the costs of and connected with the obtaining, preparation, and making of this Order out of the first money which comes to their hands under this Order.

Short title.

29. This Order may be cited as The Harbour of Girvan Improvement Order, 1865.

SCHEDULE to which the foregoing Order refers.

TABLE I.—RATES ON VESSELS ENTERING OR USING THE HARBOUR FOR SHIPPING, UNSHIPPING, OR TRANSHIPPING GOODS OR PASSENGERS.

	s.	*d.*
For every vessel under the burden of fifteen tons, per register ton - - - -	0	2
For every vessel of the burden of fifteen tons and upwards, per register ton - - -	0	4
For every vessel remaining in the harbour beyond one month, for each additional month, per register ton, every fraction of a month being considered as one month - - -	0	2

All

	s.	d.
All boats entirely open landing or taking on board goods, each time - - - - -	0	6
All open boats belonging to the harbour engaged in the fishery on the coast, yearly - -	2	6

TABLE II.—RATES ON ANIMALS AND GOODS SHIPPED, UNSHIPPED, OR TRANSHIPPED WITHIN THE HARBOUR.

	s.	d.
Apples - - - - per bushel	0	0½
Ale - - - per hogshead	0	2
Ale, bottled - - - per barrel bulk	0	1
Bark - - - - per ton	0	8
Beef or pork - - - - per ton	0	8
Beef or pork - - - - per barrel	0	1
Blubber - - per tun of 252 gallons	1	0
Bone dust - - - - per ton	0	6
Bones of cattle - - - per ton	0	4
Bottles - - - - per gross	0	2
Bricks - - - - per 1,000	0	8
Casks, empty, not being returned packages p. puncheon	0	1
Other casks in proportion.		
Cattle :		
Bulls - - - - each	0	3
Cows and oxen - - - each	0	2
Calves - - - - each	0	0½
Horses - - - - each	0	2
Pigs - - - - each	0	0½
Sheep - - - - per score	0	6
Lambs - - - - per score	0	3
Chalk - - - - per ton	0	3
Chimney cans - - per hundred	1	0
Clay, fire, manufactured - - per ton	0	6
Clay, common, - - - per ton	0	2
Cloth, haberdashery, &c. - per barrel bulk	0	1
Coaches :		
Chaises and other four-wheeled carriages each	0	8
Gigs, carts, and other two-wheeled carriages each	0	6
Coals, Scotch, English, smithy, and culm per ton	0	2
Copper - - - - per ton	0	6
Corks - - - per barrel bulk	0	1
Corn :		
Wheat and malt - - - per ton	0	5
Barley, beans, peas, tares, oats, rye, buckwheat, and Indian corn - - per ton	0	5
Crystal - - - per barrel bulk	0	1

		s.	d.
Dissolved bones, and other artificial manure	per ton	0	5
Dogs, sporting only	each	0	1
Drugs	per barrel bulk	0	1
Draff	per ton	0	5
Earthenware	per crate	0	4
Eggs	per barrel bulk	0	1
Fish, dried and salted	per ton	0	5
Haddocks, cod, salmon, and all fresh fish not enumerated	per barrel bulk	0	1
Flax	per ton	0	8
Flour	per ton	0	5
Ditto	per barrel	0	0½
Glass	per barrel bulk	0	1
Groceries:			
Almonds, figs, cinnamon, currants, pepper, pimento, plums, prunes, rasins, and the like	per barrel bulk	0	1
Guano	per ton	0	5
Gunpowder	per barrel	0	2
Hardware	per barrel bulk	0	1
Hares and rabbits	per barrel bulk	0	1½
Any less quantity		0	1
Hay, if compressed	per ton	0	6
Hay, not compressed	per ton	0	8
Hemp	per ton	0	10
Herrings:			
Fresh	per cran	0	1
Cured	per barrel	0	1
Hides:			
Ox, cow, or horse, salted or dried	per ton	0	8
Calf skins	per 120	0	4
Sheep skins	per 120	0	4
Lamb skins	per 120	0	2
Hoops of wood	per ton	0	6
Household Furniture:			
New	per barrel bulk	0	1
Belonging to parties changing their residence only	per 10 barrels bulk	0	6
Husbandry utensils	per ton	0	6
Ditto	per barrel bulk	0	1
Iron:			
Bar, bolt, and rod	per ton	0	4
Pig or old	per ton	0	2
Kelp	per ton	0	4
Lead, all kinds	per ton	0	6

Leather,

			s.	d.
Leather, tanned and dressed	-	per ton	0	8
Lime	-	per ton	0	2
Loam, or moulding sand	-	per ton	0	2
Machinery	-	per ton	0	6
Machinery	-	per barrel bulk	0	1
Manure, street	-	per ton	0	2
Meal	-	per ton	0	5
Milk	-	per 3 large pitchers	0	0½
Musical instruments	-	per barrel bulk	0	1
Oils	-	per ton	0	6
Ores:				
Copper, iron, lead and other ores	-	per ton	0	2
Passengers' luggage, not exceeding 4 barrels bulk, free. All above 4 barrels bulk		per barrel bulk	0	1
Peats	-	per ton	0	2
Pitch	-	per barrel	0	1
Porter	-	per hogshead	0	2
Porter, bottled	-	per barrel bulk	0	1
Potatoes	-	per ton	0	3
Poultry, including pigeons, game, &c.		per barrel bulk	0	1
Any less quantity	-	-	0	0½
Rags, linen	-	per ton	0	6
Other rags, old ropes, and the like		per ton	0	6
Rape cakes	-	per ton	0	5
Salt	-	per ton	0	3
Seeds:				
Flax and rape	-	per ton	0	6
Clover	-	per ton	0	6
Garden	-	per ton	0	6
Hemp and canary	-	per ton	0	6
Ryegrass	-	per ton	0	6
Skins, seal	-	per 120	0	8
Slates	-	per ton	0	4
Spirits, foreign and British		per hogshead of 56 gallons	0	6
Stones:				
Freestone, pavement, and granite, per ton of 16 cubic feet	-	-	0	2
Scythe stones	-	per ton	0	6
Millstones	-	each	0	4
Limestones, and other stones	-	per ton	0	1
Steel	-	per ton	0	6
Sugar	-	per ton	0	6

Tallow

		s.	d.
Tallow	per ton	0	6
Tar	per barrel	0	$0\frac{3}{4}$
Tea	per chest	0	1
Tiles, roofing	per ton	0	4
Tiles, or pipes, for draining	per ton	0	4
Tin of all kinds	per ton	0	6
Tobacco	per ton	0	8
Treenails under 2 feet in length	per 1,000	0	4
Treenails exceeding 2 feet in length	per 1,000	0	8
Turnips	per ton	0	2
Turpentine	per hogshead	0	2
Vegetables	per cartload	0	2
Vinegar	per hogshead	0	2
Vitriol	per carboy	0	1
Whalebone	per ton	0	8
Wine	per hogshead	0	4
Wine, bottled	per barrel bulk	0	1
Wood:			
Fir, pine, and other descriptions not enumerated, per load of 50 feet, calliper measure		0	4
Oak or wainscot, per load of 50 feet do.		0	6
Firewood	per fathom	0	6
Laths and lathwood, per fathom of 216 cubic feet		0	8
Handspokes	per 120	0	6
Oars	per 120	1	0
Spars under 22 feet in length, above $2\frac{1}{2}$ and under 4 inches in diameter	per 120	1	0
Spars $2\frac{1}{2}$ inches in diameter, and under	per 120	0	9
Spars 22 feet in length and upwards, and not exceeding 4 inches in diameter	per 120	2	6
Spars of all lengths, above 4 and under 6 inches in diameter	per 120	5	4
Spokes of wheel, not exceeding 2 feet in length	per 120	0	2
Spokes exceeding 2 feet in length	per 120	0	3
Wedges	per 1000	0	6
Pipe staves, and others in proportion	per standard hundred	0	6
Lignum vitæ, fustic, logwood, mahogany, and rosewood	per ton	0	6
Wool	per cwt.	0	$0\frac{1}{2}$
Yarn	per ton	0	10
Zinc	per ton	0	6

All other goods not particularized above.

		s.	d.
Light goods - - -	per barrel bulk	0	1
Heavy goods - - -	per ton	0	6

In charging the rates on goods the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a proportion of the respective rates shall be charged.

Five cubic feet, not exceeding two and a half cwt., to be rated as a barrel bulk; but when the weight of five cubic feet is greater than two and a half cwt., then two and a half cwt. to be rated as a barrel bulk.

TABLE III.—RATES FOR THE USE OF CRANES, WEIGHING MACHINES, WAREHOUSES OR SHEDS, HURRIES, HAWSERS, &c.

I.—*Rates for Craneage.*

					s.	d.
For all goods or packages not exceeding 1 ton -					0	3
„	exceeding 1 ton and not exceeding		2 tons		0	4
„	„	2 tons	„	3 tons	0	6
„	„	3 tons	„	4 tons	0	8
„	„	4 tons	„	5 tons	0	10
„	„	5 tons	„	6 tons	1	0
„	„	6 tons	„	7 tons	1	2
„	„	7 tons	„	8 tons	1	4
„	„	8 tons	„	9 tons	1	8
„	„	9 tons	„	10 tons	2	0
„	„	10 tons	- - -		3	0

II.—*Dues for Weighing Machines.*

For goods weighed, 1*d.* for each ton or part of a ton.

III.—*Warehouse or Shed Dues.*

For each ton of goods of 8 barrels bulk, or for each ton of goods of 20 cwt., which shall remain in the warehouse or sheds, or on the quays of the harbour, for a shorter time than 48 hours, the sum of 2*d.*; and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 48 hours.

IV.—*Dues*

IV.—*Dues for Hurries.*

For each ton of goods of 20 cwt. shipped by means of the hurries, ½*d.* per ton.

V.—*Hawser Dues.*

For every vessel under the burden of 100 tons using any hawser the property of the trustees, 6*d.* per vessel; for every vessel of the burden of 100 tons or upwards, 1*s.* per vessel.

VI.—*Pilotage Dues.*

	s.	*d.*
Coasting vessels, per register ton - - -	0	1½
Oversea vessels - - - - -	0	2

VII.—*Rates for Planks and Shutes.*

Vessels under the burden of 20 tons to be exempt.

	Per Vessel. *s.*	*d.*
For every vessel of the burden of 20 tons and not exceeding 25 tons - - - -	0	6
For every vessel exceeding the burden of 25 tons but not exceeding 100 tons - - -	1	0
For every vessel of the burden of 100 tons and upwards - - - - -	2	0

VIII.—*Rates for Towing Vessels.*

	Per Ton. *s.*	*d.*
For every vessel registering 40 tons or upwards coming into or going out of the harbour -	0	1

Vessels to be towed for the above rates from or to half a mile beyond the present pier-head of the harbour.

TABLE IV.—RATES ON PASSENGERS, &c.

	s.	*d.*
For every passenger landing on or embarking from any of the piers, quays, and jetties from or on any steam vessel, for every time - -	0	2

STORNOWAY.

Order for the Improvement and Regulation of the Harbour of Stornoway in the Island of the Lews and County of Ross.

Incorporation of Commissioners.

1. The present members of the Stornoway Pier and Harbour Commission, and their successors, to be appointed as in the

Feu

Feu Charter set forth in the First Schedule to this Order (hereafter in this Order called the said Feu Charter) provided (subject nevertheless to the provisions of this Order), shall be and are hereby for the purposes of this Order incorporated by the name of The Stornoway Pier and Harbour Commission, and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes but subject to the restrictions of the said Feu Charter and of this Order.

Modifications of provisions of Charter.

2. Notwithstanding anything in the said Feu Charter, the following provisions shall have effect:—

(1.) The appointment of every Commissioner appointed by the Superior of the burgh of Stornoway, or by the Sheriff of the County, shall be made in writing, and until the writing of appointment is deposited with the clerk to the Commissioners the person thereby appointed shall not be entitled to act as a Commissioner.

(2.) The Commissioners from time to time appointed after the Commissioners nominated in the said Feu Charter go out of office shall respectively hold office from the first Tuesday in the month of May in the year of their appointment to the end of the day next preceding the first Tuesday in the month of May in the next following year.

(3.) At meetings of the Commissioners at which the permanent Commissioner is not present the Commissioners present shall elect a Chairman before proceeding to business, and every such Chairman shall have a second or casting vote in case of an equality of votes.

(4.) Any rules or regulations framed by the Commissioners (in pursuance of the first and tenth clauses of the said Feu Charter) for the general management of the piers, quays, harbour works, and harbour vested in them, shall be deemed to be byelaws within the meaning of this Order and of any Act incorporated therewith.

Incorporation of parts of 10 & 11 Vict. c. 16.

3. The Commissioners Clauses Act, 1847, (except sections sixteen to thirty-five, both inclusive, and sections forty, forty-two, forty-three, forty-six, fifty-four, eighty-six, and eighty-seven,) are hereby incorporated with this Order, and shall, as far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally.

Undertakers.

4. The Commissioners shall be the undertakers of the works authorized by this Order.

5. The

Limits of harbour.

5. The limits of the harbour of Stornoway within which the Commissioners shall have authority (which shall be deemed the limits to which this Order, and the powers to exact rates in virtue thereof, extend,) shall extend to and include the bay of Stornoway to the north of an imaginary straight line drawn from Holm Point on the east side to Arnish Point on the west side of the bay of Stornoway, as laid down on the Admiralty chart of the said harbour by Commander Otter of the Royal Navy: Provided always as follows:—

(1.) The foreshore or shore and sea and bed of the bay on the east side thereof, whereon a patent slip has been erected by the said Sir James Matheson for the accommodation of shipping, and a portion of the foreshore or shore on each side of the said slip and of the sea and sea bed seawards thereof sufficient for the due and efficient working and use of the said slip, shall be excepted from and shall be held not to be included in the said harbour, and no vessels using the said slip shall in respect of such use be subject or liable to pay any rates under this Order.

(2). The extension by this Order of the limits of the said harbour for rating purposes beyond the foreshores or shores which have been heretofore expressly conveyed to the Commissioners, or which may hereafter under this Order be acquired by them, shall in no respect give them authority or power, except with the consent of the said Sir James Matheson, or of the Superior of the burgh of Stornoway for the time, to appropriate the foreshores or shores of the bay of Stornoway heretofore not conveyed to them, or any part thereof, or confer upon them any rights to, over, or upon the same; neither shall the definition hereby of the limits within which this Order shall take effect in any respect derogate from any right possessed by the said Sir James Matheson or by his successors, as proprietors of the barony of the Lews, including the burgh of barony of Stornoway, and of the foreshores or shores of the bay of Stornoway, from appropriating and using the same in such a manner as by law was competent for him to do before this Order was made.

Power to take lands by agreement.

6. For the purposes of the works authorized by this Order, the Commissioners may from time to time, by agreement, enter on, take, and use all or any part of the lands shown upon the deposited plans as intended to be taken for the purposes of the proposed works.

7. The

Incorporation of Lands Clauses Acts.

7. The Lands Clauses Consolidation (Scotland) Act, 1845, and The Lands Clauses Consolidation Acts Amendment Act, 1860, except so much thereof respectively as relates to the purchasing and taking of lands otherwise than by agreement, are hereby incorporated with this Order, but nothing in this Order shall authorize the Commissioners to take lands for the purposes of this Order exceeding in extent in the whole five acres.

Power to execute works.

8. Subject to the provisions of this Order, the Commissioners may, on the lands taken by them under this Order, and in the lines and according to the levels and within the limits shown on the deposited plans and sections, execute and maintain the works shown on the deposited plans.

Description of works.

9. The works authorized by this Order comprise the following:—

(1.) A timber wharf, of one hundred and fifty feet or thereabouts in length, in front of the present steamboat quay near the Old Castle, and a quay wall of masonry, extending northwards from the said timber wharf for a distance of three hundred and fifty feet or thereabouts, and joining the quay called the Big Quay at a point seventy feet or thereabouts seaward of high-water mark;

(2.) The filling up and making available for curing ground or other purposes of the space between the said quay wall and high-water mark; and

(3.) All such other works, buildings, sheds, warehouses, wharfs, jetties, works, and conveniences as may from time to time be necessary for the improvement of the harbour, or the accommodation of the shipping resorting thereto; but the erection of all sheds, warehouses, storehouses, or other structures upon the quays, piers, or wharves now belonging or which may hereafter belong to or be acquired by the Commissioners shall be subject to the whole conditions and provisions having reference thereto contained in the said Feu Charter.

Power to levy rates according to Schedule.

10. Subject and according to the provisions of this Order, the Commissioners may demand, levy, and recover in respect of vessels, goods, fish, animals, and things described in the Second Schedule to this Order any sums not exceeding the several rates therein specified.

Certain fishing vessels under stress of weather exempt from rates.

11. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall, when forced by stress of weather to make use of the harbour

harbour of Stornoway, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Exemption of Customs officers.

12. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress on, into, along, through, and out of the wharf, harbour, and works by land, and with their vessels, and otherwise, without payment.

Cesser of rates in certain case.

13. If at any time the said Feu Charter, from any cause whatever, becomes void, or is set aside, reduced, or invalidated, as to the whole thereof, or as to any part thereof containing a disposition of property in favour of the Commissioners, the right to levy rates under this Order shall, ipso facto, absolutely cease.

Application of rates and income.

14. The Commissioners shall apply all money received by them from the rates, tolls, and dues authorized by this Order, and all other income coming into their hands in respect of the works authorized by this Order, or from the lands or property connected therewith, or otherwise belonging to them, for the purposes and in the order following, and not otherwise :—

(1.) In paying the costs of and connected with the preparation and making of this Order:

(2.) In paying the feu duties and rents payable in respect of the lands and property belonging to the Commissioners, and the expenses of the making, maintenance, management, and regulation of the existing harbour, and of the new works, and the lands and property connected therewith:

(3.) In paying the interest of any money borrowed under this Order, and any sum payable on account of the principal thereof:

(4.) As to the surplus revenue of the harbour, if any, after providing for the purposes aforesaid, the same shall be applied in creating a sinking fund in manner, and, in so far as the nature and circumstances of the case will admit, in the proportion specified by The Commissioners Clauses Act, 1847.

Power to borrow.

15. The Commissioners may from time to time borrow and re-borrow at interest such money as may be required for the purposes of this Order, not exceeding in the whole the sum of ten thousand pounds, on the security of the works authorized by this Order, and of the lands and property connected therewith, and of the rates and dues authorized by this Order, or of any of those particulars, or of any other the property of the Commissioners; or they may accept and take from any bank or banking company credit to such amount as they deem expedient, not exceeding in the whole the said sum of ten thousand

sand pounds, on a cash account to be opened and kept in the name of the Commissioners, according to the usage of bankers in Scotland; and they may assign the rates and dues hereby authorized, the works authorized by this Order, and the lands and property connected therewith, and any other lands or property belonging to them, in security of the repayment of the sum or sums so borrowed, or of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon respectively, by dispositions and assignations under their common seal, and signed by three of their members, which dispositions and assignations, and all transfers thereof, may be in the form as near as may be in the Schedule (B.) to The Burgh Harbours (Scotland) Act, 1853, annexed, and shall be recorded in the General Register of Sasines or in the Particular Register of Sasines for the counties of Inverness, Ross, &c., and have preference according to the priority of their registration therein, except in so far as a pari passu preference may by the dispositions and assignations have been established among all or some of them, as being assignations of parts of one capital sum, which the Commissioners may by a resolution of a specified date have determined to borrow in parts.

Money to be applied to purposes of Order.

16. Every part of the money borrowed under this Order shall be applied only for the purposes authorized by this Order.

Arrears of interest, &c. may be enforced by the appointment of a judicial factor.

17. If within two months after the interest on any mortgages granted by the Commissioners has become due, or after the period prescribed for the payment of the principal sums in such mortgages has expired, such interest or principal (as the case may be) shall not be paid, the holders of such mortgages may, without prejudice to any rights, remedies, or security otherwise competent to or held by them, require the appointment of a judicial factor, by an application to be made as herein-after provided.

Appointment of a judicial factor.

18. Every application for a judicial factor under the provisions of this Order shall be made to the Sheriff or Sheriff Substitute of the county of Ross. On any such application the said Sheriff or Sheriff Substitute may, by order in writing, after hearing the parties, appoint some person to receive the whole or a competent part of the harbour rates hereby authorized, or other the revenue of the Commissioners, until all the arrears of interest or of principal, as the case may be, then due on the outstanding mortgages, together with all costs, including the charges of receiving the said rates, be fully paid. Upon such appointment being made, all such rates as aforesaid shall be paid to and received by the person so appointed, and the money so received shall be so much money received by or to the use of the mortgagees, and so soon as the full amount of any

any interest or principal in arrear, and costs, has been so received, the power of such judicial factor shall cease: Provided always, that such judicial factor shall distribute among all the mortgagees to whom interest or principal shall be in arrear the rates and other monies which shall so come into his hands, having respect in such distribution to the priorities if any, of such mortgagees.

Amount to authorize application.

19. The amount to authorize the application for appointment of a judicial factor shall be one thousand pounds in one or more mortgages.

Exclusion of portions of Harbours, Docks, and Piers Clauses Act.

20. The following provisions of The Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, namely, sections sixteen to nineteen, both inclusive, and sections twenty-five and twenty-six; and this Order shall be deemed "the special Act" within the meaning of the last-mentioned Act.

Confirmation of byelaws and provision for management of harbour.

21. Any byelaws made under this Order and The Harbours, Docks, and Piers Clauses Act, 1847, shall not come into operation until allowed by the Board of Trade, which allowance shall be sufficient as confirmation thereof for all purposes; and it shall not be lawful for the harbour master, by virtue of section 52 of that Act, or of any other authority, or for the Commissioners, to give or cause to be given any direction respecting any matter mentioned in that section, or provided for in the byelaws, further or otherwise than as he or they may be expressly authorized by the byelaws to do so.

Meters and weighers.

22. The Commissioners shall have the appointment of meters and weighers within the harbour.

Steam vessels, lighters, &c.

23. The Commissioners may provide such steam engines, steam vessels, piling engines, ballast lighters, rubbish lighters, and other machinery and vessels as they think necessary for the purposes of the harbour, and may demand and receive such sums for the use of the same as they think reasonable.

Harbours and Passing Tolls Act.

24. Part V. of The Harbours and Passing Tolls, &c. Act, 1861, shall apply to the Harbour of Stornoway.

Application of Charter.

25. Subject to the provisions of this Order, and of the enactments therewith incorporated, the Commissioners shall have all the powers and authorities conferred by and shall be subject to and bound by all the restrictions and stipulations contained in the said Feu Charter; and all property thereby expressed to be disposed to the Stornoway Pier and Harbour Commission is hereby vested in the Commissioners, subject as aforesaid, and to the provisions of the said Feu Charter, as far as the same are not inconsistent with this Order.

Saving rights of

26. Nothing in this Order, or in any of the Acts therewith incorporated, shall authorize the Commissioners to take, use, or

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in any manner interfere with any land, soil, shores, foreshores, tenements, or hereditaments, or any rights of whatever nature, belonging to or enjoyed or exerciseable by the said Sir James Matheson, Baronet, or to or by the heritable proprietor of the barony of the Lews and of the shores of the bay of Stornoway, or his successors or assigns, without his or their consent in writing, further or otherwise than is expressed and contained in the said Feu Charter; and, save as in this Order expressly provided, nothing in this Order shall divest, take away, prejudice, diminish, or alter any right, privilege, power, or authority vested in or enjoyed or exerciseable by the said Sir James Matheson or such proprietor as aforesaid, or his successors or assigns. Sir James Matheson, Bart.

27. Nothing in this Order shall confer on or confirm to the said Sir James Matheson, his heirs, executors, administrators, successors, or assigns, any estate, right, title, or interest in or to any property or thing, or affect the estate, right, title, or interest (if any) of any person claiming any property adversely to him or them. Saving for rights of third parties.

28. This Order may be cited as The Stornoway Harbour Order, 1865. Short title.

The First Schedule to which the foregoing Order refers.

Know all Men by these presents, that I, Sir James Matheson, of Achany and the Lews, Baronet, Member of Parliament for the combined counties of Ross and Cromarty, heritable proprietor of the barony of the Lews, including the burgh of barony of Stornoway and of the shores of the bay of Stornoway:

Considering that whereas there is a pier or quay at Stornoway, called the Old Pier or Big Quay, belonging to me, which was in or about the year eighteen hundred and seventeen rebuilt by subscription, and that the feuars of Stornoway are desirous to have an influential voice in the management of the said Old Pier or Big Quay, and in the application of the dues collected thereat:

And whereas I am willing, not only to meet their wishes in these respects, by having the property and management of the said Old Pier or Big Quay effectually vested in a commission, to be to a large extent chosen by the municipal authorities of the burgh of Stornoway, or the feuars or parliamentary electors within the said burgh, in the way and manner after mentioned, which has been approved by a committee of the said feuars, but also, and to the satisfaction and with the approval of the said committee, further, with the view of and for the purpose of conferring on the said commission the means of improving and extending

extending the harbour accommodation generally, to vest in the said commission, in addition to the said Old Pier or Big Quay, a portion of ground and shore at the east side of the said Old Pier or Big Quay and contiguous thereto, and also a large portion of ground and shore contiguous to the south side of the said Old Pier or Big Quay, and extending southward therefrom to and including the Old Castle, Steamers Quay, booking office, and storehouse:

Therefore and in consideration of the feu duties for the ground, and of the annual sum, herein-after termed an additional feu duty, as restricted interest on a sum of eight hundred and fifty pounds sterling, or thereby, expended by me on the Steamers Quay and others herein-after conveyed, and which last-mentioned annual sum of additional feu duty is to be redeemable as after declared at sixteen and two thirds of a year's purchase—

WIT YE ME to have sold, alienated, and in feu farm disponed, as I by these presents sell, alienate, and in feu farm dispone, from me, my heirs and successors, to and in favour (First) of myself and of Donald Munro, my chamberlain (as chamberlain, but while and so long as he holds that office only, and who shall only be competent to act as a commissioner in my absence), (Second) to and in favour of Kenneth Smith, feuar and merchant, Norman M'Iver, feuar and shipowner, and John Morrison, feuar and merchant, all residing in Stornoway, three commissioners elected by the commissioners in Stornoway acting under the General Police and Improvement (Scotland) Act, eighteen hundred and sixty-two, (Third) to and in favour of Donald Mackenzie and Daniel M'Alister, both feuars and shipowners in Stornoway, two commissioners nominated and appointed by me, and (Fourth) to and in favour of Kenneth Mackenzie, householder and bank agent, residing in Stornoway, the commissioner appointed by the Sheriff of the county under the power to that effect conferred by me (with concurrence of the said committee) upon him, being the seven persons who are to constitute for the current year the commission for managing the piers, quays, and harbour of Stornoway as after mentioned, and to be hereafter called "The Stornoway Pier and Harbour Commission," and to my successors, Superiors of the said burgh for the time, and to the chamberlain or factor of the Superior for the time (but only to act in absence of the Superior), and to the successors of the said several other persons before named to be appointed or to become members of said commission hereafter, and to the said Stornoway Pier and Harbour Commission itself, with perpetual succession, so soon as the said commission shall be incorporated:

First.—

First.—All and whole the vacant or lately vacant space or piece of shore ground at Stornoway lying to the east of the said pier or Big Quay, and between the same and the pier to the east of said ground, and opposite to the northern portion of the feu on the south side of North Beach Street that belonged to the late Daniel Lewis Mackenzie, and northwards as far as in a line with the northern boundary or face of the said Old Pier or Big Quay, so that the pier or quay to be formed or lately formed by filling up said vacant or lately vacant space or piece of shore ground will adjoin or does now adjoin the said pier, and will be or now is in a line with said northern boundary or face of said Old Pier or Big Quay, and which vacant or lately vacant space or piece of shore ground is bounded as follows, viz.: On the west by the said Old Pier or Big Quay, along which it extends ninety-seven feet, measuring from the north-east corner of said Old Pier or Big Quay southwards to a point in North Beach Street fifty-one feet distant in a straight line drawn in a westerly direction from the east front of the house belonging to me next adjoining the said Old Pier or Big Quay, and presently occupied as a hotel and stores, and forty-three feet six inches distant in a straight line drawn southwards from the north boundary of the said feu on the south side of North Beach Street that belonged to the late Daniel Lewis Mackenzie; on the south by a straight line extending eastwards from the point last mentioned fifty feet six inches to a point forty feet six inches distant from the northern boundary of the said feu on the south side of North Beach Street; on the east to the extent of seventy-three feet by the said pier opposite to the eastern portion of the said feu on the south side of North Beach Street, and to the extent of twenty-seven feet farther north by the shore ground belonging to me, but upon which there is to be or has been built a prolongation of said pier last mentioned, so that the said vacant or lately vacant space or piece of ground hereby disponed will ultimately be or now is wholly bounded on the east by the pier last mentioned, as the same is to be or now is extended, and on the north by the shore ground belonging to me.

Second.—All and whole the pier and quay at Stornoway called the Old Pier or Big Quay lying immediately to the west of the vacant or lately vacant space or piece of shore ground last above described and above disponed, and north of the house and stores belonging to me next adjoining the said Old Pier or Big Quay, measuring on the east eighty-six feet along the said vacant or lately vacant space or piece of shore ground, on the south fifty-one feet from the said vacant or lately vacant space or piece of shore ground to the north-east corner of the said house

house and stores belonging to me next adjoining the said Old Pier or Big Quay, and eighty-eight feet along the north wall of the foresaid house and stores, and from the north-west corner of said house and stores eighty-five feet westwards or seawards, and on the west and north by the sea.

Third.—All and whole the ground and shore at Stornoway to the south of the said Old Pier or Big Quay, and extending therefrom southwards, and lying to the west of a double straight line delineated in red ink, and extending from the point marked A upon a plan of the said subjects appended, and signed by me as relative hereto, and extending to the point marked B on said plan in a line with the front or south wall of the property belonging to me called Tolmies store and yard and forty feet distant from the south-west corner of said subjects, thence in a straight line in a south-easterly direction to a point marked C on said plan forty feet distant from the point marked B, and thence in a direction a little more easterly to a point marked D on said plan forty-one feet distant from the point marked C, where the present building used as a steamer's store and booking office adjoin the landing slip, thence in a straight line nearly south to a point one hundred and eighty-eight feet distant from the point D marked E on said plan, and from the said point E, the shore and ground hereby conveyed is bounded on the south by a straight line to the point eighty feet distant marked F on said plan, and on the west from the said point F by a straight line in a line with the west face of the present steamer's quay, and one hundred and forty-five feet distant therefrom to a point marked G on said plan with the foreshore or solum seawards, or to the west of the present steamer's quay and line marked B, C, and A, and which ground includes the Old Castle, Steamers Quay, and storehouse, and booking office.

All the said three subjects lying within the town, burgh, and parish of Stornoway, barony of the Lews and county of Ross; declaring that the said three subjects above disponed are so disponed, and that the foresaid descriptions thereof respectively are to be read and construed with reference to the delineation thereof shown by the double line in red ink on the plan of that part of Stornoway before mentioned hereto subjoined and signed by me as relative hereto, and no otherwise, with all right possessed by me to embank and appropriate the same for harbour purposes, and to levy and exact harbour dues and rates at the said piers and quays, and at all other piers and quays formed or to be formed, and to become vested in the said Stornoway Pier and Harbour Commission, in virtue of these presents, or of the powers to acquire further therein contained, with all my right, title, and interest thereto and therein, present and future, direct and

and contingent; excepting and reserving always for the purpose of being used for proper access, and roadways or streets to be kept up, and maintained and managed as such in the same way as other roads and streets within Burgh, the spaces specially described in the fourth condition of these presents hereinafter written; and further reserving to me and to Thomas Reid, feuar in Stornoway, and to our respective successors after written, special right of access as in said condition expressed; as also excepting always from the said subjects all mines of gold and silver in terms of the exception in my crown grant of the Barony of the Lews; and hereby expressly declaring that the several subjects above described are disponed for the purposes, and with the powers, and under and subject to the whole conditions, provisions, declarations, and obligations herein-after written, all and every one whereof my disponees before named forming the present Stornoway Pier and Harbour Commission by acceptance hereof, for themselves and their successors, forming the Stornoway Pier and Harbour Commission for the time, and the Stornoway Pier and Harbour Commission itself in all time to come, shall, by acceptance hereof, be expressly held as a Commission to have adopted, and become bound as a Commission to fulfil in every particular, and which purposes, conditions, powers, provisions, declarations, and obligations are as follows :—

First.—The said subjects shall be held by my said disponees as the persons constituting for the current year a commission or board to be called "The Stornoway Pier and Harbour Commission," as after provided, and by their successors appointed as after mentioned forming the Stornoway Pier and Harbour Commission for the time, for the purposes of managing the said piers, quays, and harbour now existing, and all extensions or enlargements that may be made by them on the subjects hereby conveyed, or any other piers and quays that they may acquire in virtue of the powers herein-after conferred, and for the purposes of improving and extending the accommodation for trading, shipping, and fisheries, and with power to levy such dues thereat as they may legally be entitled or may be authorized to exact, and with power to appoint committees of their own number, and to appoint clerks, collectors, harbour masters, pier keepers, and all other officers necessary for the proper management of the said piers, quays, and harbour, and to make and enforce all such rules and regulations for the management of said piers, quays, and harbour, and the use thereof, as they may be legally entitled, or may be authorized to make and enforce, and with full power, if they so think fit, to take all steps under the existing or any future General

Pier and Harbour Acts for enabling them to take the advantage thereof in all respects, and with power, if they find it necessary, to apply for a special Act of Parliament for the better management and improvement of the said piers, quays, and harbour; provided always, that in the latter event the said Act shall be applied for with my consent, or with the consent of the Superior for the time, and that such special Act shall be carried through by my agent, or the agent of the Superior for the time, all parties interested getting an opportunity of being heard for their interests in the usual manner; and generally with power to do all and whatsoever I could have legally done had I not granted these presents, except in so far as their powers are qualified or limited by the terms hereof.

Second.—The parties before named, other than myself and my chamberlain, shall hold office until the first Tuesday of the month of May eighteen hundred and sixty-five, that is, they shall cease to hold office at the end of the first Monday of May, and their successors appointed in their place shall enter on office upon the first Tuesday of May eighteen hundred and sixty-five, and in like manner the Commissioners named and appointed in their place shall hold office for one year from the said first Tuesday of the month of May in the year of their appointment to the end of the first Monday in the same month in the following year, and so forth in all time to come, that is, the said six Commissioners to be appointed annually shall hold office for one year and no longer, it being nevertheless hereby declared that any or all of such Commissioners may be annually re-elected or re-appointed as often as the parties entitled to elect them may think fit.

Third.—The said Commission shall in all time to come consist and be composed of seven acting members, videlicet:—

(First.) Of the Superior of the burgh of Stornoway and his chamberlain for the time, the one in the absence of the other, declaring that the Superior for the time and his chamberlain shall be permanent Commissioners, but the one only to be capable of acting in the absence of the other; and the Superior of Stornoway, or his chamberlain for the time, shall, when present, be chairman of the Commission, with an original or individual and also, in case of an equality of votes, with a casting vote.

(Second.) Of three Commissioners to be annually chosen at some time during the month of April by the Commissioners in Stornoway, acting under the General Police

Police and Improvement (Scotland) Act eighteen hundred and sixty-two, or other general or local Act under which municipal elections shall from time to time fall to be made, and shall be made from among the said Municipal Commissioners themselves, the three members to be chosen being always feuars within said burgh, and each of them owners of property therein of ten pounds or upwards of annual value (as evidenced by the valuation roll of the county or for the district of the Lews for the time), and resident in or near Stornoway ; and in case there shall not at any time exist such statutory Commissioners for municipal purposes, then the said three members of the Stornoway Pier and Harbour Commission shall be chosen by the persons within the burgh of Stornoway entitled to vote in the election of members of Parliament (as evidenced by the roll of parliamentary electors for the time), such three Commissioners so elected being always feuars, and each of them owners of property within the burgh of Stornoway of the annual value of ten pounds or upwards (to be evidenced as aforesaid), and resident in or near Stornoway, and this at a meeting of the parliamentary electors within the burgh of Stornoway to be called by the Chairman of the Stornoway Pier and Harbour Commission, or in his absence by any three members of said Commission, by a printed or written notice to be posted in at least six public places in the town of Stornoway fourteen days previous to the day of election, or on such notice as may be prescribed by any byelaws or rules to be framed by the Stornoway Pier and Harbour Commission for regulating the calling of such meetings with the view to the election of members, full power to make such byelaws and regulations being hereby specially conferred on the said Commission.

(Third.) Of two Commissioners to be annually nominated on or before the first Monday of the month of May by me or the Superior of Stornoway for the time from among the resident feuars within the burgh, each being an owner of property therein of the annual value of ten pounds or upwards (to be evidenced as aforesaid) or qualified to vote in the election for members of Parliament (to be evidenced as aforesaid).

(Fourth.) Of one Commissioner to be annually nominated

nated by the sheriff of the county for the time from among the feuars, owners of property within the said burgh of the annual value of ten pounds or upwards (to be evidenced as aforesaid), or from among persons within the said burgh qualified to vote for members of Parliament (to be evidenced as aforesaid), or from among the householders of the said burgh occupying houses of the value of ten pounds or upwards (to be evidenced as aforesaid).

Fourth.—The said Stornoway Pier and Harbour Commission shall be bound, in case the site of the Old Castle included in the subjects third above disponed shall be built over, but if I or my foresaids so require only, to denote the central part of said Old Castle as now existing by preserving a proper and marked portion of the same, or in my option by a proper pillar or designating mark being placed so as to denote the site of such central part, and, subject to the approval of me and my successors, the said site may be further denoted by a flagstaff or signal post placed on the portion preserved, or on the pillar or designating mark substituted therefor; and the said Stornoway Pier and Harbour Commission shall be bound to leave at all times between the portion of the Old Pier or Big Quay above disponed to be occupied for proper pier or quay purposes or for curing ground and the houses or buildings belonging to me ex adverso a sufficient space of not less than twenty-five feet for the free and convenient access of the public and others requiring and using such access; and when the proposed extension of pier or quay and new steamers quay is formed there shall be at all times left by the said Stornoway Pier and Harbour Commission between the portion of such extended pier or quay to be used for proper pier or quay purposes, or for curing purposes or curing ground, and the houses and yards presently belonging to me and the said Thomas Reid ex adverso of said extended pier or quay, a free space next adjacent to the said houses on the west of not less than twenty-five feet in breadth, measuring from the north-west corner of the house and stores belonging to me next adjoining the aforesaid Old Pier or Big Quay to the south-west corner of the property belonging to the said Thomas Reid, and from this last-mentioned south-west corner of Thomas Reid's property a free space of not less than twenty-five feet to the west of the same straight line prolonged southwards to the point marked B. on said plan in a line with the front or south wall of the property belonging to me called Tolmies store and yard, and forty feet distant from the south-west corner of said property, all for the purpose of affording free and convenient access and roadway or street for the use of the public and others to and from

from the piers and quays erected and to be erected as aforesaid ; declaring that the right to use the said spaces for roadways or streets is hereby reserved as fully and completely as if the solum thereof had not, with reference to the better carrying out of the objects of these presents, been conveyed by me to the said Harbour Commission, and that the said spaces are not to be held, either as regards surface or solum, any part of the subjects for which feu duty is payable by the said Harbour and Pier Commission ; reserving always to me and the said Thomas Reid and our respective successors, and our and their tenants occupying the aforesaid houses and yards ex adverso of the said extended pier or quay, a free space and convenient access to and from the said houses and yards, and the sea front of said extended pier or quay, but without prejudice to the said Stornoway Pier and Harbour Commission to exact and levy from me and the said Thomas Reid and our respective successors, and our and their tenants in the said houses and yards using the said pier erected or to be erected on the said vacant or lately vacant space to the east of the Old Pier or Big Quay, the said Old Pier or Big Quay and the Steamers Quay, and also the piers or quays to be formed ex adverso on the west of their said properties in Esplanade Row, when but not until such last-mentioned piers or quays are formed, such dues for the use thereof as they may legally exact and levy from others using the same.

Fifth.—It is hereby provided and declared that the said Stornoway Pier and Harbour Commission shall not, and, by acceptance of these presents, they bind and oblige themselves that they shall not, erect or form upon the piers or quays hereby disponed, or on the piers or quays to be formed on the portions of ground and shores hereby disponed, or on the piers or quays to be afterwards acquired or to be formed on ground to be afterwards acquired by the said Commission, any sheds, storehouses, or other erections whatever, whether of a temporary or permanent nature, and whether of stone or of brick, iron, or wood or other material, nor to project any stages, gangways, or platforms from said piers or quays into the sea in any direction, except with the express consent in writing of me or the Superior for the time, and subject to such conditions as to removal or otherwise as I or the Superior for the time may see fit to impose in the event of our giving such consents as conditions thereof: And it is hereby further provided, and the said Stornoway Pier and Harbour Commission, by acceptance hereof, expressly consent and agree, that in case the said Commission shall, in breach of their aforesaid undertaking, make erections of any sort on the piers or quays hereby disponed, or those to be formed by them on the ground or shore hereby ceded, or piers or quays to be afterwards acquired

quired or to be formed on ground to be afterwards acquired, or shall project stages, gangways, or platforms therefrom into the sea, without the written consent of me or of the Superior for the time, or in case of any failure on their part to observe or fulfil any conditions subject to which consent to make erections may have been given by me or the Superior for the time, then and in any of these cases it shall be lawful to me or the Superior for the time, at our own hands and without any proceeding at law or judicial warrant to remove all such erections, whether the same be of a permanent or temporary character, and whether of wood or any more enduring material, and all stages, gangways, or platforms projected from the said piers or quays into the sea; and the said Stornoway Pier and Harbour Commission, by acceptance hereof, oblige themselves to pay to me or to the Superior for the time the costs incurred by us in obtaining the removal of all erections made by them without written consent, or maintained contrary to the conditions on which such consent may have been given, including the cost of any judicial proceedings that may be resorted to by me or the Superior for the time in order to obtain such removal should we see fit, ob majorem cautelam, to adopt such.

Sixth.—When the proposed extension and improvement at the Steamers Pier and Old Castle are effected, the said Stornoway Pier and Harbour Commission shall, as soon thereafter as they conveniently can, remove the present storehouse at the Steamers Quay, and shall thereupon be bound to erect a new storehouse in a position suited to the altered circumstances of the quay; and the position, character, and elevation of such new store or warehouse to be erected as aforesaid shall always be subject to my approval or to the approval of the Superior for the time. And there shall be reserved and set apart, for the free use of myself and the Superior for the time, in the storehouse or warehouse to be erected instead of the existing storehouse at the Steamers Quay, an apartment of not less than twenty feet in length and twelve feet in breadth, of which I and the Superior for the time shall have exclusive possession, and be entitled to keep at all times locked, and in the meantime I retain right to take the free use of the existing storehouse in so far as necessary for my proper accommodation.

Seventh.—Providing and declaring as it is hereby provided and declared that these presents are granted with and under the burden of the current agreement between the Messrs. Hutcheson & Co., Glasgow, and me (which the Stornoway Pier and Harbour Commission shall be bound to recognise and give effect to), by which they are secured the use, as for one year from the term of Whitsunday eighteen hundred and sixty-three, of the said

said store at the Steamers Quay, and a preferable right to the use and accommodation of that quay for their steamboats, and the loading and unloading with all proper use of the adjuncts and free access thereto; as also the said Stornoway Pier and Harbour Commission become bound by acceptance thereof that aye and until proper and better accommodation for steam boat traffic is substituted for the present, and capable of being used in place thereof, the Messrs. Hutcheson shall have a preferable right to be afforded the accommodation they presently enjoy upon fair and reasonable terms, and in case of difference of opinion the payments to be made by them for such interim accommodation being to be determined by me.

Eighth.—In the event of failure in any year of me or of the Superior for the time, or of the Municipal Commissioners or parliamentary electors, or of the Sheriff, to nominate Commissioners or a Commissioner, or in the event of any member of the said Stornoway Pier and Harbour Commission dying, resigning, or becoming disqualified, or incapable of acting, or refusing to act, the other members of the said Commission shall have power to name one or more Commissioners to fill such vacancies for the year; and three members of the said Commission shall be a quorum, and the acts of such quorum shall always be valid and effectual.

Ninth.—The Stornoway Pier and Harbour Commission shall meet annually on the first Tuesday of May, and shall have power to adjourn their meetings from time to time as they may think fit, due notice of such adjournments being always given by the clerk to all members not present at the meetings at which the adjournments are made; and the Superior or chamberlain as chairman shall be entitled to call a meeting of the Commissioners whenever they may deem it necessary, and shall at all times be bound, on a requisition to that effect signed by two members of the Commission, to convene meetings of the Commission; and in case of the refusal of the chairman to call a meeting when so required, or in case of the absence from the island of the Superior and chamberlain, a meeting may be called by any three members of the Commission on a notice of fourteen days, such notice always setting forth the object of and business requiring to be transacted at such meeting.

Tenth.—At the first meeting, or at any subsequent meeting or meetings as may be found convenient, the said Commission shall frame rules and regulations for the conduct of the business of the Commission and general management of the piers, quays, harbour works, and harbour vested in them, in so far consistent with the several Pier and Harbour Statutes; and in case of any difference of opinion in regard thereto, the same shall be referred

ferred to two law agents in Edinburgh, the one to be named by the Superior, and the other to be named by members differing in the opinion from him.

Eleventh.—The said Stornoway Pier and Harbour Commission shall keep a full and distinct register of their proceedings, and distinct accounts of all revenue received by them for and in respect of the use of the piers, quays, harbours, warehouses, and grounds hereby transferred to them, or which may be hereafter acquired by them, and for and in respect of any erections to be hereafter made by them on the ground and shore above conveyed, and of any erections and any ground hereafter acquired by them as in extension of pier and harbour accommodation, and to that end, and without prejudice to the general power before given to them, and obligation by these presents placed on them, to appoint all officers necessary for properly carrying out the objects of the Commission; the said Stornoway Pier and Harbour Commission shall be bound at their first meeting, or, if then not convenient, at a meeting to be held not later than three months thereafter, to appoint a competent person to be clerk, and the same or other competent person may be treasurer and collector to the Commission with suitable remuneration; and it is hereby (without prejudice to the power of the said Commission to confer on the said officials other duties and more exactly to define their duties) declared that it shall be the duty of the clerk to attend all meetings of Commission and of committees of Commission, and to take and frame proper minutes of the proceedings at such meetings, and, if required, to frame reports of committees, and, when the same have been confirmed, to engross them in a register to be kept of the minutes and proceedings of the Commission, as also to record in the said register all other writings necessary or calculated fully and distinctly to show and preserve evidence of the whole actings and transactions of the Commission; and it shall be the duty of the clerk to conduct the correspondence of the Commission, and duly to file and preserve all letters received on the business of the Commission, and duly to record in letter books to be kept for that purpose all letters written by him on the business of the Commission, alike those written under the direct authority of the Commissioners as letters written by him in the ordinary conduct of its business, and which letter books shall for ease of reference be duly indexed by the clerk; and it shall be the duty of the treasurer to keep an exact account of all sums in the shape of revenue received by him on behalf of the Commission, and to pay the whole thereof from time to time into a bank account to be kept in the name of the Commission to be termed "Revenue Account," and to be operated upon by cheques signed by

by the chairman and treasurer under authority therefor to be given by the Commission, and an exact account of all payments made by him on behalf of the Commission, and as out of the revenue bank account, and which payments shall not be made by him out of revenue directly received, but from money to be from time to time specially drawn from the said bank account by the Commission, and placed in his hands for the purpose of such payments; and the treasurer shall in like manner keep an account of all moneys received by him as from loans or otherwise towards the extension and improvement of the pier, quay, and harbour accommodation, which shall be paid wholly into a separate bank account, to be kept in name of the Commission, to be termed "Improvement Account," and to be operated upon as in the case of the other account, and he shall keep a distinct account of all payments made by him out of said moneys to be drawn and placed in his hands for that purpose, and the treasurer shall at the first meeting of Commission that may be held not sooner than one month after the term of Martinmas yearly, make and exhibit to the Commission a distinct account of revenue or income and expenditure thereout for the year terminating at such term, and showing the sources from which the various items of revenue are derived, and the several objects to which the expenditure thereout has been applied, and the excess of the one over the other, and in like manner he shall at the same time make out and exhibit along with the said account of revenue another account of loans (if any such have been received), showing the amounts and from whence derived, and the several objects for which any payments thereout have been made, and which several accounts the commission shall themselves or by others examine, and on being satisfied that the same are in all respects correctly stated and duly vouched, they shall docquet the same as accurate and approved, and they shall be engrossed by the clerk in the register of proceedings before directed to be kept by the clerk to the commission as aforesaid; declaring however hereby that although separate bank accounts as for revenue and as for loans for improvements are to be kept, yet it is not therefore meant that the said Commission shall not have full power to apply money derived from revenue to the improvement and extension of the pier, quay, and harbour accommodation, but the said Commission shall on the contrary have full power to draw out of the revenue account and pay into the improvement account, to be employed towards improvements and extension of the pier, quay, and harbour accommodation, such sums as from time to time the said Commission may think right, and to apply the same accordingly.

Twelfth.—The Stornoway Pier and Harbour Commission

shall, in so far as not already done, immediately fill up and form into a pier or quay, according to a plan to be approved by them or by the provisional committee after mentioned, the vacant or lately vacant space or piece of shore ground between the Old Pier or Big Quay and the pier opposite to the eastern portion of the feu on the south side of North Beach Street that belonged to the late Daniel Lewis Mackenzie, being the piece of shore ground first above conveyed, the cost of such operations being, in so far as not falling to be borne by others, defrayed out of the fund after mentioned.

Thirteenth.—The Stornoway Pier and Harbour Commission shall, with as little delay as may be, take the necessary steps under the several Pier and Harbour Statutes, or otherwise in their discretion, for incorporating the said Commission, and for obtaining power to enable them to levy such dues and rates as may be necessary for executing such works as may be deemed expedient, and generally to obtain themselves as an incorporated body, vested with such powers as may be proper to enable them to improve and extend the pier, quay, and harbour accommodation at Stornoway, by obtaining the consent of the Board of Trade or other competent authority to extend the same seaward over the shore between the Old Pier or Big Quay and the Old Castle, including therein the present pier called the Steamers Pier with the view and for the purpose and to the effect of providing enlarged space for the accommodation of shipping, traders, fish curers, and fishermen, and also proper and permanent pier, quay, and harbour accommodation for steam vessels, and also for raising funds for the purposes agreed on by means of loans from the Public Works Commissioners, or otherwise, hereby declaring that I or the Superior for the time shall be bound, upon the said Commission becoming incorporated, to grant all or any deeds deemed necessary for fully and completely vesting the Commission as a corporation in the subjects hereby disponed, but in conformity always with these presents and my rights under the same.

Fourteenth.—Providing and declaring, as it is hereby expressly provided and declared, that in case the said Stornoway Pier and Harbour Commission shall not have raised or at least secured the obtaining of the funds (not less than two thousand five hundred pounds sterling) necessary to enable them to provide better accommodation within the space of three years from their first meeting, then and in that case the subjects first and third above conveyed shall (in my option to be declared in a writing to be addressed to the said Commission, and delivered at the usual place of meeting of the said Commission to the said Commission or to their clerk,) revert to me and my heirs

heirs and successors, and shall, from the expiry of that period, cease to belong to the Stornoway Pier and Harbour Commission, and this present deed, in so far as regards the subjects first and third above conveyed, and all relative conditions, shall become void, and the said Stornoway Pier and Harbour Commission shall be bound to grant to me a reconveyance of the said subjects, and a discharge of all claims any way competent to them in relation thereto under these presents, and I shall be entitled, failing their so doing, to pursue declarators of extinction of rights, denuding, &c., or other apt action before the Court of Session, in which it shall be sufficient to call the persons appointed members of said Stornoway Pier and Harbour Commission last before the date of raising said action for establishing my right to the said subjects, and denuding the said Commission thereof, with conclusions for having the said subjects disburdened of all claim at the instance of the said Stornoway Pier and Harbour Commission, and for the recording of the decree to be pronounced in the register of sasines as for my reinvestiture in the said subjects and for publication in case I or the Superior for the time may prefer that course to compelling the said Commission by action to reconvey; and such decree, when recorded in the register of sasines, shall have all the effect of a recorded conveyance of the subjects first and third above disponed, and form a complete reinvestiture of the Superior therein, and a full discharge thereof from all and every claim at the instance of the said Commissioners, who shall, from the date of any reconveyance by them or decree obtained by the Superior under this provision, be freed and relieved of the feu duties of fifteen shillings and ten pounds and additional feu duty of thirty pounds hereby stipulated to be paid for the said subjects first and third above disponed respectively; excepting always any arrears for former years and the proportions for the period between the date of reconveyance or the decree and the term of Whitsunday preceding, all which shall remain entire to the Superior, and capable of exaction by him from the said Commission.

Fifteenth.—The amount of rents and dues formerly collected at and for the Old Pier or Big Quay, presently deposited in the National Bank of Scotland at Stornoway, and amounting, as at twenty-third February eighteen hundred and sixty-three, to the sum of two hundred and fifty-nine pounds nine shillings and fivepence, besides interest at the rates allowed by the bank from the first day of November eighteen hundred and sixty-two, with the bank interest that shall have since accrued thereon, shall be transferred to the name of the Stornoway Pier and Harbour Commission, and shall be at their disposal for the objects

objects of the Commission, and the bank account therefor shall be operated on by cheques signed by the Superior or chamberlain as chairman of the Commission, and by the person appointed and acting as clerk or treasurer of said Commission under and in terms of authority by the said Commission from time to time given to sign such cheques; and the sum now in bank as aforesaid shall be primarily applied to defraying the costs on both sides of taking out of court an action of declarator, at my instance presently pending in the Court of Session, against the said Kenneth Smith and certain other parties at Stornoway, and extracting the decree therein, and the costs on both sides of these presents, and of recording the same, and thereby or otherwise duly vesting my disponees in the said subjects; and in the second place in defraying the cost of filling up the vacant or lately vacant space or piece of shore-ground between the Old Pier or Big Quay and the pier opposite to the eastern portion of the feu on the south side of North Beach Street that belonged to the late Daniel Lewis Mackenzie under the obligation to do so above placed on my disponees.

Sixteenth.—To facilitate the raising of the funds that may be necessary for the improvement and extension of the piers, quays, and harbour, I hereby agree that, if requisite, I will postpone the sum of thirty pounds of additional feu duty in respect of the subjects third above disponed, being the proportion of additional feu duty fixed upon as a yearly return as in place of restricted interest on the outlay made by me on the subject third above disponed, to the payment of the annual sum which it may become necessary for the Commission to pay in respect of the money to be borrowed by them for such improvement and extension; it being, however, hereby stipulated that in case the revenue of the piers, quays, and harbour shall be insufficient to meet the cost of management, the ground feu duties of fifteen shillings, three pounds, and ten pounds, the annual payment to the Public Works Loan Commissioners or other parties advancing money for the improvement or extension of the piers, quays, and harbour on the security thereof, and the said sum of thirty pounds of additional feu duty, then the last-mentioned sum of thirty pounds of additional feu duty shall only be postponed until funds become available for its payment when it shall be paid with interest.

Seventeenth.—In respect that it was not found convenient to form the said Stornoway Pier and Harbour Commission by the execution of these presents at an earlier period: And whereas the said Kenneth Smith, Norman Mac Iver, John Morrison, and the said Donald Munro, my chamberlain, have been acting as a provisional committee with the view of filling up the

the vacant or lately vacant space or piece of shore ground between the Old Pier or Big Quay and the pier opposite to the eastern portion of the feu on the south side of North Beach Street that belonged to the late Daniel Lewis Mackenzie, regulating the portions of the same and of the said Old Pier or Big Quay to be let for herring curing purposes, appointing a harbour master, and otherwise performing certain of the duties hereby devolved upon the Stornoway Pier and Harbour Commission, the said Commission shall adopt, recognise, and give effect in all respects to the actings of the said provisional committee, and shall relieve the said committee of all outlays made and obligations undertaken by them in their actings as a provisional committee on their duly accounting for all sums received by them for and in respect of the said Old Pier or Big Quay or other of the subjects above disponed and dues leviable thereat.

Eighteenth.—The whole foregoing purposes, powers, conditions, provisions, declarations, and obligations with this eighteenth provision itself, and the tenendas and reddendo clauses after written, with the clause allowing partial redemption of the said additional feu duty of thirty pounds in place of restricted interest on outlay (unless such redemption has been made or until it be fully made), shall be made real burdens on the subjects above conveyed respectively by the recording of these presents or of a notarial instrument containing the said purposes, powers, conditions, provisions, declarations, obligations, and clauses in the General or Particular Register of Sasines within three months from the date hereof, and the said purposes, powers, conditions, provisions, declarations, obligations, and clauses, shall be repeated or competently referred to in all future deeds transmitting or vesting the said subjects all under the pain of nullity in case of the non due recording of these presents, or of a notarial instrument in the requisite form, and containing as aforesaid, or of the omission from future deeds of transmission or investiture of the said purposes, powers, conditions, provisions, declarations, obligations, and clauses or competent and equivalent references thereto ; but declaring, as it is hereby specially provided and declared, that any alteration on or addition to the conditions and provisions herein contained which may be made by the Board of Trade or other competent authority under the application to be made for power and authority to such Commission, or that may be made by Parliament, shall be held to be part and parcel of these presents, and shall control and limit or extend, as the case may be, the terms and conditions hereof, and the rights hereby granted or intended to be granted, in the same way as if such alterations and additions had been herein engrossed, without prejudice to and always

always reserving entire my rights as Superior, and payments due to me under these presents as such Superior.

With entry to the said subjects as at the term of Whitsunday 1864; TO BE HOLDEN the said several subjects above disponed by the said present members of the Stornoway Pier and Harbour Commission above named, and their successors forming the said Commission for the time, and by the said Stornoway Pier and Harbour Commission itself, of and under me and my successors as Superiors of the same, in feu farm, fee, and heritage for ever.

GIVING therefor yearly the said Stornoway Pier and Harbour Commission to me and my aforesaids as follows; videlicet,—for the subjects first above disponed the sum of 15*s.* sterling of feu duty, for the subjects second above disponed the sum of 3*l.* sterling of feu duty, and for the subjects third above disponed the sum of ten pounds sterling of feu duty, as for the ground thereof, and the farther sum of 30*l.* sterling of additional feu duty as in the place of restricted interest on the sum of 850*l.* sterling or thereby expended by me upon the said subject third above disponed (redeemable the said additional feu duty of thirty pounds as after mentioned), beginning the first payment of said feu duties of 15*s.*, 3*l.*, and 10*l.*, and the said additional feu duty of thirty pounds, at the term of Whitsunday 1865 as for the year preceding, and so forth at Whitsunday yearly in all time thereafter, with interest at the rate of 5 per cent. per annum of each year's feu duty from the time the same falls due till payment, and doubling the said sums of 15*s.*, 3*l.*, and 10*l.* every twenty-fifth year as a composition in place of entry; hereby specially declaring that the security for the said several sums of feu duty, amounting in all to 43*l.* 15*s.* sterling, (including therein the annual return or additional feu duty of 30*l.* as in place of restricted interest on outlay redeemable as after mentioned,) shall equally extend over all the three subjects above conveyed; and I and the Superior for the time shall be entitled to proceed against all or any of the said subjects for the recovery of the whole feu duties and additional feu duty stipulated for as aforesaid, and to enter into possession thereof, and of the rents and dues leviable therefrom, just and sicklike as if the said three subjects had been disponed as one, and as if the said several feu duties and additional feu duty had been stated as a cumulo feu duty payable for the said several subjects as one; but declaring also that in the right to the said subjects first and third above disponed reverting to me or the Superior for the time under and in terms of the fourteenth condition of these presents, then and in that case the feu duties of 15*s.*, 10*l.*, and the said additional feu duty of 30*l.* if the

the said last-mentioned feu duty shall be then unredeemed, or to the extent to which it shall be then unredeemed, shall cease and determine, as in said condition stipulated; but providing and declaring, as it is hereby expressly provided and declared, that it shall be in the power and option of the said Stornoway Pier and Harbour Commission to redeem the said additional feu duty of thirty pounds stipulated for, as in place of restricted interest on outlay at 16 years and two thirds of a year's purchase of the same, that is to say, to redeem the whole annual payment of 30*l.* by payments at any term of Whitsunday of a sum of 500*l.* or to redeem the same gradually by payments at any term of Whitsunday of not less than a sum of one hundred pounds at a time, in which case for each one hundred pounds paid to me or my successors as in redemption of said feu duty of 30*l.* one fifth thereof or 6*l.* yearly shall be extinguished, and on payment of the said sum of 500*l.* I shall be bound to grant and record, but at the expense of the Stornoway Pier and Harbour Commission only, a discharge and renunciation of the said sum of 30*l.* of additional feu duty and on payment of each sum of 100*l.* I shall be bound to grant and record, but at the expense of the said Stornoway Pier and Harbour Commission only, a discharge and renunciation of six pounds or one fifth of said feu duty of 30*l.* sterling.

And I assign the writs, but to the effect only of maintaining and defending the above-named members of the Stornoway Pier and Harbour Commission, and their successors, forming the said Stornoway Pier and Harbour Commission, and the said Stornoway Pier and Harbour Commission itself, in the right of the lands, and others hereby disponed, and for that purpose I oblige myself and my foresaids to make the same forthcoming to the said Stornoway Pier and Harbour Commission at their expense on all necessary occasions on a receipt and obligation to re-deliver the same within a reasonable time and under a suitable penalty; and I assign the rents, dues, and rates proper to the subjects hereby disponed; and I oblige myself to free and relieve the said Stornoway Pier and Harbour Commission of all feu duties, casualties, and public burdens due at and previous to entry; and I grant warrandice of the said subjects, and of the rents and dues leviable therefrom; but as regards the shore to the extent only to which in law I have right to use the same under my grant thereof from the Crown or otherwise, and as regards the rents and dues to the extent only to which I have right to exact and levy the same; and I consent to registration hereof for preservation, and also to registration in the General or Particular Register of Sasines as for investiture and publication.

In

In witness whereof I have subscribed these presents written on this and the twenty-nine preceding pages of stamped vellum by Thomas Gilbert, Clerk to Messrs Cheyne and Stuart, writers to the Signet, Edinburgh, (the word "Scotland" having been previously interlined to read as the sixth word of the nineteenth line of page second; the words "to a point" to read as the tenth, eleventh, and twelfth words of the twenty-third line of page fifth; the words "the revenue of" to read as the fifth, sixth, and seventh words of the thirty-second line of page twenty-fourth; and the word "duly" as the seventh word of the thirtieth line of page twenty-fifth; and the word "same" having on the fourteenth line of page twenty-first been previously partly written on an erasure; also the word "time" having been previously interlined to read as the seventh word of the fourth line of page twenty-fourth; and the word "harbour" on the thirty-first line of page first having been previously deleted,) at Lews Castle, Stornoway, the ninth day of August eighteen hundred and sixty-four years, before these witnesses, William Edward Martin, my butler, and Thomas Mackay, my piper, both residing at Lews Castle.

(Signed) JAMES MATHESON.

(Signed) W. E. MARTIN. Witness.

(Signed) T. M'KAY. Witness.

Registered in the Particular Register of Sasines for Inverness, &c. 1st October 1864.

The SECOND SCHEDULE to which the foregoing Order refers.

I.—RATES ON VESSELS ENTERING OR USING THE HARBOUR TO LOAD OR UNLOAD.

	s.	*d.*
For every sailing or steam vessel loading or unloading per registered ton - - - -	0	3
For every vessel laid up for wintering, per month, per registered ton (and in proportion for a less or longer period) - - - - -	0	1½
For every loaded vessel which shall use any quay or landing-place without discharging or loading, per registered ton, per fortnight (and in the same proportion per ton for every fortnight or part of a fortnight after the first fortnight) - -	0	1½
For every vessel, light or in ballast and departing in ballast, using any of the quays or landing-places, per registered ton - - - -	0	1½

For

	s.	*d.*
For every boat or undecked or unregistered vessel of 8 tons burden and upwards using any quay or landing-place, loading or unloading cargo - -	2	0
For every vessel which may be moored within a line from the Old Castle to Ard Point or Aird-a-Chelirich for repairs, for six days or any lesser period, 1½*d.*, and for any longer period than six days, 3*d.* per registered ton.		

II.—Rates on Herring Boats, &c.

For every herring boat, and every undecked boat prosecuting the herring fishing during the season in the month of May, June, or July, yearly -	7	0

III.—Rates on Animals and Goods shipped or unshipped, received, or delivered, at or transhipped within the limits of the Harbour.

	s.	*d.*
Ale, beer, or porter, per hogshead - - -	0	2
Ballast, per ton - - - - -	0	1
Bark, in bulk, per ton - - - -	1	0
Beef, fresh or salted, or other provisions, per barrel	0	2
Biscuits and bread, per barrel bulk - -	0	1
Bones, per ton - - - - -	0	6
Bone dust, per ton - - - -	0	8
Bran, per cwt. - - - - -	0	1
Bricks, per 1,000 - - - -	0	8
Butter, per cwt. - - - - -	0	2
Carriages with four wheels, each - - -	0	8
Carriages with two wheels, each - - -	0	6
Carts, each - - - - -	0	6
Cattle, viz.:		
Bulls, each - - - - -	0	3
Cows, heifers, oxen, and stirks, each - -	0	2
Calves, each - - - - -	0	1
Horses, asses, and mules, each - -	0	2
Pigs, each - - - - -	0	1
Sheep, per score - - - -	0	6
Lambs, per score - - - -	0	3
Chalk, per ton - - - - -	0	8
Cheese, per cwt. - - - - -	0	3
Chimney cans, per score - - - -	0	3
Cloth, haberdashery, &c., per barrel bulk - -	0	2
Carriage or cart wheels, per pair - - -	0	2

	s.	d.
Coal, per ton	0	2
Copper, per ton	1	4
Cordage, per cwt.	0	2
Cork, per cwt.	0	2
Cracklines, per cwt.	0	1
Cotton (raw), per ton	1	0
Dogs (sporting only), each	0	2
Earthenware, per barrel bulk	0	1
Eggs, per barrel bulk	0	2
Empty barrels, each	0	$0\frac{1}{2}$
Fish, salted or dry, per ton	0	6
Flax, per ton	1	0
Flour, per sack	0	1
Ditto, per barrel	0	1
Fowls and ducks, live, per dozen	0	1
Furniture (household), per barrel bulk	0	1
Fruit of all kinds, per barrel bulk	0	1
Gates (iron) of all sizes, each	0	3
Geese and turkeys, live, each	0	1
Glass (window), per crate	0	3
Grain; viz., wheat and malt per quarter	0	3
Barley, bear, peas, beans, oats, and all other descriptions of grain, per quarter	0	2
Grease, per cwt.	0	2
Groceries, per barrel bulk	0	1
Guano and artificial manures, per ton	0	6
Grates and stoves, each	0	1
Gunpowder, per cwt.	0	4
Hardware, per barrel bulk	0	1
Hay, per ton	0	6
Hemp and cotton, unwrought, per ton	1	0
Herrings, fresh (exported only), per box or barrel	0	1
Ditto, cured ditto per barrel	0	1
Hides, per ton	1	0
Hoops (wooden), per 1,000	0	5
Husbandry (utensils of):		
Ploughs, each	0	3
Harrows, each	0	2
Rollers, each	0	3
Drill harrows, each	0	2
Reaping machines, each	0	3
And all other implements, per cwt.	1	0
Iron, pig or old, per ton	0	6
Ditto, bar, bolt, or rod, per ton	0	6
Kelp, per ton	0	3

Lathwood,

	s.	d.
Lathwood, per fathom	1	0
Lead of all kinds, and zinc, per ton	0	6
Leather, per ton	0	10
Lime, per barrel	0	0½
Limestone, per ton	0	1
Lobsters, per box	0	1
Machinery, per ton	1	0
Manure, per ton	0	2
Meal and flour, per bag of 280 lbs.	0	1
Millstones, each	0	8
Molasses and treacle, per ton	0	5
Oakum, per cwt.	0	0½
Oil, per ton	1	0
Oilcake, per ton	0	6
Oranges, per box	0	2
Oysters, per box or sack	0	1
Paper, per cwt.	0	1
Peats, per ton	0	1
Potatoes, per ton	0	5
Poultry, including pigeons, game, and other birds, per box	0	2
Ropes and rags (old), per ton	0	6
Salt, per ton	0	3
Salmon, per box	0	1
Sand, per ton	0	1
Seeds, per 8 bushels	0	2
Shearing hooks, per gross	0	1
Shot, per cwt.	0	1
Slates, under size, per 1,000	0	3
Ditto, sizeable, per 1,000	0	4
Soda-water and lemonade, per gross of 144 bottles	0	3
Spades and shovels, per dozen	0	1
Spirits, per hogshead of 56 gallons	1	0
Staves (barrel), per 1,000	0	1
Stones (paving or dressed), per ton	0	1
Ditto, others, per ton	0	1
Snuff, per cwt.	0	8
Stucco, per ton	0	6
Sugar, per ton	0	10
Tallow, per ton	0	6
Tar, per barrel	0	1
Tea, per chest	0	4
Tiles or pipes for draining, per 1,000	0	6
Ditto, for roofing, per 1,000	0	6

Timber,

	s.	d.
Timber, unwrought, of all kinds, per load of 50 cubic feet	0	6
Spars or poles, 22 feet in length and under, per 120	1	0
Ditto, 22 feet in length and upwards, and not exceeding 6 inches in diameter, per 120	2	6
Tobacco, per roll	0	1
Tin, per box	0	1
Tow, per ton	0	5
Vitriol, per carboy	0	1
Wheels (carriage or cart), per pair	0	2
Wilks, per sack	0	1
Wine in cask, per hogshead	1	0
Ditto in bottle, per barrel bulk	0	1
Wool, per cwt.	0	1
Yarn, per ton	1	0
All other unenumerated articles to pay at landing or shipping:		
If by measurement, per barrel bulk	0	1
If by weight, per ton	0	8

Articles which can be measured to pay by barrel bulk, all others by weight.

In charging the rates on goods the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified a proportion of the respective rate shall be charged.

Five cubic feet, not exceeding two and half hundredweight, to be rated as a barrel bulk; but when the weight of five cubic feet is greater than two and a half hundredweight, then two and a half hundredweight to be rated as a barrel bulk.

Exemptions from above-mentioned Rates.

1. All vessels mooring or using the anchorage ground within the limits of the harbour for refuge or waiting a wind, and all yachts and pleasure vessels, and all open boats other than the boats above specified.

2. Goods, articles, effects, materials, matters, and things bonâ fide the property of the Superior of the burgh of Stornoway for the time, his family, or visitors at Lews Castle, or for their use or for the use of the Lews estate, landed or loaded at the shores of any part of the west side of the bay of Stornoway between Arnish Point and the water of Bayhead.

3. All returned empty boxes, barrels, sacks, and packages.

4. Passengers luggage not exceeding 2 barrels bulk; all above to pay the ordinary rates.

5. The

5. The furniture and luggage of fishermen coming to or returning from the herring fishery at the commencement or end of the fishing season.

6. Dogs used by servants in charge of live stock.

IV.—Rates for the use of Sheds, Cranes, and Weighing Machines.

1. *Sheds.*

For each ton of goods of eight barrels bulk, or for each ton of goods of twenty cwt., which shall remain in any shed or on the pier for a period not exceeding three days, the sum of threepence, and the sum of one penny halfpenny per ton for each day during which such goods shall remain after three days.

2. *Cranes.*

				s.	d.
All goods or packages not exceeding 1 ton			-	0	3
Exceeding 1 ton and not exceeding 2 tons			-	0	4
„ 2 tons	„	3 tons	-	0	6
„ 3 tons	„	4 tons	-	0	8
„ 4 tons	„	5 tons	-	0	10
„ 5 tons	„	6 tons	-	1	0
„ 6 tons	„	7 tons	-	1	2
„ 7 tons	„	8 tons	-	1	4
„ 8 tons	„	9 tons	-	1	8
„ 9 tons	„	10 tons	-	2	0
„ 10 tons	-	-	-	3	0

3. *Weighing Machines.*

For Goods weighed, one penny for each ton or part of a ton.

CAP. LXXVII.

An Act to amend the Act of the Twenty-seventh and Twenty-eighth Victoria, *Chapter Sixty-four, commonly called "The Public House Closing Act,* 1864."—[29*th* June 1865.] (England.)

CAP. LXXVIII.

An Act to enable certain Companies to issue Mortgage Debentures founded on Securities upon or affecting Land, and to make Provision for the Registration of such Mortgage Debentures and Securities.—[29*th* June 1865.] (England.)

CAP. LXXIX.

An Act to provide for the better Distribution of the Charge for the Relief of the Poor in Unions.—[29*th* June 1865.]

CAP. LXXX.

An Act to explain and amend "The Lunatic Asylum Act, 1853," *and "The Lunacy Act Amendment Act,* 1862," *with reference to Counties of Towns which have Courts of Quarter Sessions, but no Recorder.*—[29*th* June 1865.]

CAP. LXXXI.

An Act to render valid Marriages heretofore solemnized in the Chapel of Ease called Saint James-the-Greater *Chapel,* Eastbury, *in the Parish of* Lamborne *in the County of* Berks.—[5*th* July 1865.]

CAP. LXXXII.

An Act to amend "The Endowment and Augmentation of Small Benefices (Ireland) *Act,* 1860."—[5*th* July 1865.]

CAP. LXXXIII.

An Act for further regulating the Use of Locomotives on Turnpike and other Roads for agricultural and other Purposes.—[5*th* July 1865.]

WHEREAS by the "Locomotives Act, 1861," certain Provision was made for regulating the Use of Locomotives on Turnpike and other Roads, and it is expedient that further and fuller Provision should be made for that Object: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 24 & 25 Vict. c. 70.

I. This Act shall not come into operation till the First Day of *September* One thousand eight hundred and sixty-five, which Day is herein-after referred to as the Commencement of the Act, and shall cease and determine on the First of *September* One thousand eight hundred and sixty-seven. Commencement of Act.

II. After the Commencement of this Act, and so long as the same shall continue in force, the Fifth, Ninth, Eleventh, and Fifteenth Sections of the said recited Act, and all Orders made in pursuance of the said Fifth Section, are hereby repealed. Certain Sections of 24 & 25 Vict. c. 70. repealed.

III. Every Locomotive propelled by Steam or any other than Animal Power on any Turnpike Road or public Highway shall be worked according to the following Rules and Regulations; *viz.* Rules for the Manner of working Locomotives on Turnpike Roads and Highways as herein stated.

Firstly, at least Three Persons shall be employed to drive or conduct such Locomotive, and if more than Two Waggons or Carriages be attached thereto, an additional Person shall be employed, who shall take charge of such Waggons or Carriages:

Secondly, one of such Persons, while any Locomotive is in Motion, shall precede such Locomotive on Foot by not less than Sixty Yards, and shall carry a Red Flag constantly displayed, and shall warn the Riders and Drivers of Horses of the Approach of such Locomotives, and shall signal the Driver thereof when it shall be necessary to stop, and shall assist Horses, and Carriages drawn by Horses, passing the same:

Thirdly, the Drivers of such Locomotives shall give as much Space as possible for the passing of other Traffic:

Fourthly, the Whistle of such Locomotive shall not be sounded for

for any Purpose whatever; nor shall the Cylinder Taps be opened within Sight of any Person riding, driving, leading, or in charge of a Horse upon the Road; nor shall the Steam be allowed to attain a Pressure such as to exceed the Limit fixed by the Safety Valve, so that no Steam shall blow off when the Locomotive is upon the Road:

Fifthly, every such Locomotive shall be instantly stopped, on the Person preceding the same, or any other Person with a Horse, or Carriage drawn by a Horse, putting up his Hand as a Signal to require such Locomotive to be stopped:

Sixthly, any Person in charge of any such Locomotive shall provide Two efficient Lights to be affixed conspicuously, One at each Side on the Front of the same, between the Hours of One Hour after Sunset and One Hour before Sunrise:

Penalty on Non-compliance with Rules.

In the event of a Non-compliance with any of the Provisions of this Section, the Owner of the Locomotive shall, on summary Conviction thereof before Two Justices, be liable to a Penalty not exceeding Ten Pounds; but it shall be lawful for such Owner, on proving that he has incurred such Penalty by reason of the Negligence or wilful Default of any Person in charge of or in attendance on such Locomotive, to recover summarily from such Person the whole or any Part of the Penalty he may have incurred as Owner.

Limit of Speed of Locomotives on Turnpike Roads and Highways.

IV. Subject and without Prejudice to the Regulations hereinafter authorized to be made by Local Authorities, it shall not be lawful to drive any such Locomotive along any Turnpike Road or public Highway at a greater speed than Four Miles an Hour, or through any City, Town, or Village at a greater Speed than Two Miles an Hour; and any Person acting contrary thereto shall for every such Offence, on summary Conviction thereof, forfeit any Sum not exceeding Ten Pounds.

Size and Weight of Locomotives which may be used.

V. Subject to the Provisions of this Act, any Locomotive which shall not exceed Nine Feet in Width or Fourteen Tons in Weight may be used on any Turnpike Road or public Highway, provided that the Wheels of such Locomotive be constructed according to the Requirements of the said recited Act; and no Locomotive exceeding Nine Feet in Width or Fourteen Tons in Weight shall be used on any such Road, except subject to the Provisions contained in the Third Section of the said Act as to the Use of Locomotives exceeding Seven Feet in Width and Twelve Tons in Weight.

Restrictions as to the Use of Steam

VI. Any Provision in any Act contained prohibiting, under Penalty, the Erection and Use of any Steam Engine, Gin, or other like Machine, or any Machinery attached thereto, within the

the Distance of Twenty-five Yards from any Part of any Turnpike Road, Highway, Carriageway, or Cartway, unless such Steam Engine, Gin, or other like Engine or Machinery be within some House or other Building, or behind some Wall, Fence, or Screen sufficient to conceal or screen the same from such Turnpike Road, Highway, Carriageway, or Cartway, shall not extend to prohibit the Use of any Locomotive Steam Engine for the Purpose of ploughing within such Distance of any such Turnpike Road, Highway, Carriageway, or Cartway, provided a Person shall be stationed in the Road, and employed to signal the Driver when it shall be necessary to stop, and to assist Horses, and Carriages drawn by Horses, passing the same, and provided the Driver of the Engine do stop in proper Time.

Engines within 25 Yards of Roads not to apply to Locomotives used for ploughing Purposes.

VII. The Name and Residence of the Owner of every Locomotive shall be affixed thereto in a conspicuous Manner. If it is not so affixed the Owner shall, on summary Conviction, be liable to a Penalty not exceeding Two Pounds.

Name and Residence of Owner to be affixed to Locomotives.

VIII. The following Local Authorities, (that is to say,)

1. In the City of *London* and Liberties thereof, the Court of the Lord Mayor and Aldermen;
2. In the Metropolis, as defined by the Act of the Session of the Eighteenth and Nineteenth Years of Her present Majesty, Chapter One hundred and twenty (except the City of *London*), the Metropolitan Board of Works;
3. In any Borough in *England* the Population of which shall have exceeded Five thousand at the last Census, the Council of the Borough;
4. In any Borough or Town in *England* the Population of which shall have exceeded Five thousand at the last Census, not within the Jurisdiction of a Council, but within the Jurisdiction of any Trustees or Improvement Commissioners appointed under any Public or Private Act of Parliament, the Trustees or Commissioners;
5. In any Borough or Town in *Scotland* the Population of which shall have exceeded Ten thousand at the last Census, within the Jurisdiction of a Town Council, the Town Council, and in any such Town in *Scotland* not within the Jurisdiction of a Town Council, but subject to the Jurisdiction of Police Commissioners, or of Trustees exercising under any Public or Private Act of Parliament the Functions of Police Commissioners, the Police Commissioners, or, where there are no Police Commissioners, then the Trustees,—

Power to Local Authorities to make Orders as to Hours, &c. Locomotives may pass through Cities, &c.

Penalty on acting contrary to such Orders.

may make Orders as to the Hours during which (and as to the Speed, not in any Case to exceed Two Miles an Hour, at which,) Locomotives are to pass through the City or Place subject to their respective Jurisdictions; and any Person in charge of a Locomotive acting contrary to such Regulations shall, on summary Conviction, be liable to a Penalty not exceeding Ten Pounds:

Every Order made in pursuance of this Section shall be reduced into Writing, and shall have affixed thereto the Common Seal of the Local Authority, where they have a Common Seal, and shall be signed by the Members of the Local Authority, or any Two of them, where they have not a Common Seal:

A Copy of such Order shall be affixed to some public Place within the Jurisdiction of the Local Authority, and advertised in some Newspaper circulating within the Jurisdiction of the Local Authority, and the Production of a Newspaper containing such Advertisement shall be Evidence of the Copy having been advertised in pursuance of this Act.

In Ireland the County Surveyor to be deemed the Conservator of the Roads in his County, and Proceedings for Damage to be taken in his Name.

IX. For the Purposes of this Act, the County Surveyor of each County in *Ireland* shall be deemed to be the Conservator of all the Roads in the County of which he is Surveyor, made or repaired by Grand Jury Presentment; and it shall not be lawful to use any Locomotive, other than those specially authorized by this Act, on any such Road in any County in *Ireland*, without the Consent in Writing of the County Surveyor thereof, approved of by One or more Justices sitting at Petty Sessions; and all Compensation for Damage done by any Locomotive to any Bridge, Gullet, or Arch, or any of the Walls, Buttresses, or Supports thereof, on any such Road in any County in *Ireland*, shall be recoverable in the Name of the County Surveyor thereof, for and on behalf of the County, from the Party liable to pay the same, such Compensation, if not exceeding Ten Pounds, to be recovered in a summary Way by Summons at Petty Sessions, and if over Ten Pounds to be recovered by Process in the Civil Bill Court.

How Penalties to be recovered and applied in Ireland.

X. Every Penalty imposed by the Provisions of this Act shall, in *Ireland*, be recoverable before a Justice or Justices of the Peace in Petty Sessions, subject and according to the Provisions of "The Petty Sessions (*Ireland*) Act, 1851," and any Act amending the same, and shall be applied according to the Provisions of "The Fines (*Ireland*) Act, 1851," and any Act amending the same.

Sect. 41. of 25 & 26 Vict. c. 93. not to be affected.

XI. Nothing in this Act contained shall repeal, alter, or in any way affect the Provisions of the Forty-first Section of "The *Thames* Embankment Act, 1862."

XII. Nothing in this Act contained shall authorize any Person

son to use a Locomotive which may be so constructed or used as to be a public Nuisance at Common Law, and nothing herein contained shall affect the Right of any Person to recover Damages in respect of any Injury he may have sustained in consequence of the Use of a Locomotive. Saving as to Actions at Law.

XIII. This Act may be cited as "The Locomotives Act, 1865;" and "The Locomotives Act, 1861," and this Act, shall be construed together as One Act. Short Title.

CAP. LXXXIV.

An Act to amend the Prisons (Scotland) *Administration Act*, 1860, *and to explain the Fifty-second and Seventy-seventh Sections of the said Act.*—[5*th* July 1865.]

WHEREAS an Act was passed in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and five, intituled *An Act to provide for the Management of the General Prison at* Perth, *and for the Administration of Local Prisons in* Scotland, and it is expedient that the said recited Act should be amended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 23 & 24 Vict. c. 105.

I. The Thirty-third Section of the said recited Act is hereby repealed, and, instead thereof, be it enacted as follows: Sect. 33. of recited Act repealed, and Provision as to Building Assessment substituted.

At any Meeting to be held for that Purpose, which may be either the First Meeting of the Board after their Appointment or any other Meeting held not later than the Month of *September* thereafter, the County Board may impose an Assessment for the Purpose of defraying the Expenses of building, extending, altering, or repairing any Local Prison within the County, or of acquiring Lands for such Purpose; and such Assessment shall be called the Building Assessment: Provided that no such Building Assessment shall exceed the Amount which, as set forth in the Twenty-first Annual Report of the General Board of Directors of Prisons, presented to both Houses of Parliament, was or might legally have been estimated for as a Building Fund before the Commencement of the said recited Act for such County, unless the same shall, in Terms of any Agreement or Minute to that Effect laid before the County Board,

Board, be consented to by the Commissioners of Supply of such County on behalf of the Landward Part thereof, and by the Town Councils of Burghs situated therein entitled to choose Members of the County Prison Board, on behalf of their respective Burghs, and it shall appear that the Persons on whose Behalf such Consent has been given shall have contributed or been liable to contribute not less than Three Fourths of the Assessments imposed on such County and the Burghs situated therein; and it shall be lawful for the Commissioners of Supply of each County and the Magistrates of each Burgh respectively to assess and levy such Building Assessment by Instalments over any Number of Years not exceeding Twenty Years, and to borrow Money on the Security of such Assessment, and to assign such Assessment in Security thereof.

Interpretation of Words in Sects. 52. and 77. of recited Act.

II. The Words "Sheriff Principal of the County of *Perth*" in the Fifty-second Section of the recited Act mean and shall be held to mean the Sheriff of the said County; and in construing the Seventy-seventh Section of the said recited Act the Expression "Lands adjoining" shall be deemed to include "Lands adjacent," and the Expression "enlarging" shall be deemed to include "improving" or "isolating."

CAP. LXXXV.

An Act to amend the Laws relating to Procurators in Scotland.—[*5th* July 1865.]

WHEREAS the Number of Procurators practising before the Inferior Courts in *Scotland* has of late Years greatly increased, and the Interests entrusted to the Care of such Procurators have risen in Importance: And whereas it is desirable to improve the Qualifications and Standing of the Members of that Branch of the legal Profession, and to regulate the Mode of admitting them to Practice, and to confer corporate Powers on certain Faculties and Societies: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation of Terms.

I. The following Words and Expressions when used in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context inconsistent with or repugnant to such Construction; that is to say,

"Inferior

"Inferior Court" shall embrace Sheriff Courts, Commissary Courts, Burgh Courts, Admiralty Courts, Dean of Guild Courts, Justice of Peace Courts, and all other Courts of Law having only local Jurisdiction in *Scotland:*

"Procurators" shall include all Persons who have already been admitted as Procurators in any Sheriff Court in *Scotland,* or as Members of the Incorporated Society of Writers in *Dundee,* or who shall hereafter be admitted as Procurators under this Act:

"Sheriff" shall include Steward, but not Sheriff Substitute or Steward Substitute:

"Sheriff Clerk" shall mean Sheriff Clerk Depute as well as Sheriff Clerk, and shall include Steward Clerk and Steward Clerk Depute:

"County" shall include Stewartry.

No Person to act as a Procurator unless already or hereafter admitted pursuant to this Act.

II. No Person shall hereafter act or practise as a Procurator before any Inferior Court, or assume the Name or Title of Procurator, unless prior to the passing of this Act he shall have been duly admitted a Procurator, or unless subsequently to the passing of this Act he shall be admitted a Procurator pursuant to the Directions and Regulations of this Act.

Commissioners of Stamps not to issue Certificates except to qualified Persons.

III. From and after the passing of this Act, the Commissioners of Stamps and Taxes and their Officers shall, previous to issuing any stamped Certificate to any Person applying for the same who has not previously had issued to him a like Certificate, require Evidence that such Person is either a Writer to the Signet, or a Solicitor before the Supreme Courts, or a Notary Public, or that he has been admitted a Procurator.

Requisites to entitle Persons to be admitted.

IV. No Person shall hereafter be deemed admissible as a Procurator unless he shall be of the full Age of Twenty-one Years, and shall have been bound under an Indenture in Writing to serve, except as herein-after provided, at least Four Years as an Apprentice to a Master declared by this Act to be competent, and shall have duly served his said Apprenticeship by personal Attendance in the Office of such Master or in the Office of some other Master to whom his Indenture may have been transferred, as herein-after provided, and unless he shall have been reported qualified for Admission after an Entrance Examination in manner herein-after specified: Provided always, that any Person who may before the passing of this Act have served, or may be at the Date thereof in course of serving, an Apprenticeship for a shorter Term than Four Years, in such Form as would have qualified him for Admission under the Provisions of the Act of Sederunt of the Lords of Council and Session, dated Tenth Day of *July* One thousand eight hundred and thirty-nine, Chapter Five, shall be deemed admissible, in

so

so far as regards Apprenticeship, if he have served or shall serve, either as an Apprentice or Clerk to the same or some other competent Master, such further Term as may be sufficient along with his previous Service to complete the full Term of Four Years, and if he shall have been reported qualified as aforesaid, and such Service may be instructed by a Certificate under the Hand of such Master, or otherwise, as herein-after provided.

Requisites restricted in certain Cases.

V. Provided also, That any Person who shall have taken a Degree in Arts in any One of the Universities of *Great Britain* or *Ireland*, or who shall be a Member of any of the Councils of the *Scottish* Universities, shall be deemed admissible as a Procurator, in so far as regards Apprenticeship, if he shall have served an Apprenticeship under Indenture as aforesaid for the shorter Period of Three Years, and such Person shall not be obliged as a Part of his Entrance Examination to undergo an Examination in general Knowledge.

Who shall be deemed a competent Master.

VI. In reference to all Apprenticeships and Clerkships to be entered into in Terms of this Act, any Writer to the Signet or Solicitor before the Supreme Courts, or Procurator or Sheriff Clerk, shall be deemed a competent Master in the Case of a Person seeking to qualify himself as a Procurator.

Provision in case Master of Persons entering into Apprenticeship, &c., dies.

VII. In case any Master with whom any Person shall have entered into any Apprenticeship or Clerkship as aforesaid shall, during the Currency of the Term of such Apprenticeship or Clerkship, die or become bankrupt, or cease to practise, or be unable to continue to employ such Apprentice or Clerk, it shall be lawful for the Sheriff of the County or Sheriff Substitute of the County, Ward, District, or Division in which such Apprenticeship or Clerkship is being served, upon the Application of such Apprentice or Clerk, as the Case may be, to direct the Indenture or Agreement of Clerkship to be discharged, or to authorize the Term of Service to be completed with any other Master declared competent by this Act and named in such Application, without Prejudice to the voluntary Transfer of any Apprenticeship or Clerkship to a competent Master mutually agreed upon, and made in Writing.

One Year of Indenture under Procurator may be commuted into Clerkship.

VIII. Any Apprentice who, either before or after the passing of this Act, has entered into an Indenture for any Period exceeding Three Years, and who may be desirous of making himself acquainted with the Forms of Procedure in the Supreme Courts, or with the Mode of conducting Business in any County other than that in which he has bound himself to serve, may, in lieu of the last Year of his said Apprenticeship, with the Consent of his Master, substitute a Term of Service as Clerk for not less than One Year with a Writer to the Signet or Solicitor before

before the Supreme Courts, or with a Procurator practising in such other County, which Service as Clerk shall be equally effectual for the Purpose of Admission as if such Apprentice had completed the full Term of his Apprenticeship.

Indentures to be recorded and Service to be certified.

IX. All Indentures which shall after the passing of this Act be entered into with the Intention of qualifying the Apprentice for Admission in Terms of this Act shall be recorded in the Register of Probative Writs of the County where the same shall have been entered into, within Six Months from the Date fixed therein for the Commencement of the Term of Apprenticeship, and upon the Expiration thereof such Indenture, with a Certificate endorsed thereon, under the Hand of the Master with whom such Apprenticeship was completed, setting forth that the Party has actually and *bonâ fide* served the Apprenticeship set forth in the Application for Admission as required by this Act, may be received as Evidence of such Apprenticeship having been duly served.

Agreements to serve as Clerk must be in Writing and proved.

X. No Service as Clerk, in Terms and for the Purposes of this Act, entered into after the passing thereof, shall be held a Qualification for Admission as aforesaid, unless the Agreement to serve as Clerk for a specified Time shall be entered into in Writing before the Commencement of Service; and the Production of a written Agreement, with a Certificate under the Hand of the Master of the Time having been actually and *bonâ fide* served by personal Attendance in his Office, may be received as Evidence of Service; provided that in case of the Death or Incapacity of the Master the Sheriff shall be entitled to receive such other Evidence of Service of Apprenticeship or Clerkship as shall seem to him reasonable and satisfactory.

Admission and Entrance Examination.

XI. The Admission of Procurators shall as heretofore proceed on the Application of any duly qualified Person to the Sheriff of the County within which he wishes to practise; but such Applicant shall prior to Admission, except as herein-after provided, undergo an Entrance Examination in regard both to general Knowledge and to Law, and legal Training and Practice, on a Remit made by the Sheriff to the Examiners herein-after mentioned, and no further Procedure shall be had on such Application until the Applicant shall have been reported by the Examiners qualified for Admission: Provided always, that no Entrance Examination shall be required if the Applicant for Admission be a Writer to the Signet, or a Solicitor before the Supreme Courts, or hold a Degree of Bachelor of Laws granted by a *Scottish* University after the Twelfth Day of *July* Eighteen hundred and sixty-two; nor shall the Provisions of this Act in regard to the Term of Service apply to, nor shall any Entrance

Entrance Examination in General Knowledge be required from, any Person who is under Indenture at the passing of this Act, or who may have completed the Term of Apprenticeship prior to the passing of this Act; provided also, that the Sheriff of any County to whom an Application for Admission shall be made by any Person who has been already admitted a Procurator in another Sheriff Court shall be entitled to admit the said Person, and also to dispense with such Entrance Examination, if he shall see fit, after hearing the Incorporated Faculty or Society of Procurators practising in the County, Ward, District, or Division in which such Application is made.

Mode of Admission.

XII. On the Production of the Certificate of Apprenticeship or of Apprenticeship and Clerkship, as herein-before provided, and of a Certificate under the Hands of the Examiners of the Applicant being duly qualified in regard both to general Knowledge and to Law and legal Training, or of written Evidence that the Applicant falls within some of the Exceptions herein-before contained, the Sheriff may, unless he see Cause to the contrary, admit the Applicant as a Procurator in his Court, and such Admission shall qualify the Person admitted to practise therein and in all the other Inferior Courts held within the County; provided that where the Mode of admitting Procurators in any County is regulated by Royal Charter conferring exclusive Privileges on any Faculty or Society of Procurators practising in such County, or by any Usage following thereon, such Mode of Admission shall not be altered by anything in this Act contained without the express Consent of such Faculty or Society.

Names of Procurators to be registered.

XIII. The Sheriff Clerk of each County, or of each Ward, District, or Division, when a County is so divided, shall keep a Register in a separate Book, to be called the "Register of Procurators," in which he shall insert the Names of all such Persons then in Life as may have been duly admitted Procurators before the Sheriff Court of such County, Ward, District, or Division prior to the passing of this Act, and shall arrange such Names in the Order of the Dates of Admission of such Persons respectively, and likewise of every Person who shall subsequently to the passing of this Act be admitted a Procurator before such Court, pursuant to the Directions and Regulations herein contained, specifying in the Register the Date of such Admission, and shall, as Occasion requires, make the Alterations on said Register rendered necessary by Death or otherwise, and said Register shall be patent to all the Lieges, and an Extract therefrom subscribed by the Sheriff Clerk, certifying the Admission of any Procurator, and specifying the Date thereof, and for which Extract a Fee of Two Shillings and

and Sixpence shall be payable, shall be sufficient Evidence of the Facts therein set forth.

Procurators may form Societies when Number is Ten or upwards.

XIV. In any County, Ward, District, or Division of a County in which there does not at the Date of the passing of this Act exist an Incorporated Faculty or Society of Procurators, it shall be lawful for the Procurators of such County, Ward, District, or Division, provided their Number exceeds Ten, voluntarily to form themselves into a Society, by the Assent given in Writing of at least Three Fourths of their Number, and on such Writing being recorded in the Court Books of the County, District, Division, or Ward, such Society shall *ipso facto* be held to be incorporated under such Name or Title as shall in such Writing be fixed, and shall include all the Procurators of such County, Ward, District, or Division, and thereafter such Faculty or Society shall have Power in its corporate Name to sue and be sued, and to acquire, hold, and transfer Property, heritable and moveable, and also from Time to Time to adopt such Constitution and Byelaws for the Management of the Affairs of the Society as the Sheriff of such County, Ward, District, or Division shall, on Application made to him, approve of, and shall possess such other Powers as by Law belong to an Incorporation.

How to be incorporated when Number less than Ten.

XV. In the event of the Number of Procurators in any County, Ward, District, or Division being less than Ten but more than Three, it shall be competent to them, or to not less than Three Fourths of their Number, by their Assent given in Writing, to combine with the Procurators in any One or more Counties, Wards, Districts, or Divisions, to form themselves into a Society of Procurators under this Act, provided the aggregate of the whole shall be at least Ten; and on such Assent being given in Writing, and recorded in the Court Books of each of the said Counties, Wards, Districts, or Divisions, such Society shall in all respects, for the Purposes of this Act, be entitled to the same corporate Powers and Privileges as any other Society formed under this Act; or otherwise, in the event of no such Combination, the Procurators of any County, Ward, District, or Division whose Number is less than Ten shall be entitled individually to become Members of the Society of Procurators formed in any other County, Ward, District, or Division, in Terms of this Act, and who shall be willing to receive them, and they shall on being duly admitted become Members of said Society: Provided always, that in case of the Procurators in Two or more Counties combining to form a Society as aforesaid, the Sheriff of the County having the largest Number of Procurators at the Time such Society is formed shall alone exercise the Functions which are conferred on Sheriffs by this Act in relation to such Societies.

XVI. Every

Powers of incorporated Faculties and Societies.

XVI. Every Faculty or Society of Procurators already incorporated, or which shall after the passing of this Act be incorporated, in Terms thereof, shall from Time to Time, subject to the Approval of the Sheriff, issue Regulations for the preliminary Examination in the Elements of General Knowledge of Persons desirous of entering into Indentures of Apprenticeship with any Procurator of their Court or the Sheriff's Clerk, and without such Examination, and the Person undergoing the same being reported qualified, such Indenture shall be of no Force or Effect for the Purpose of Admission as aforesaid; and such Society may also, if it sees fit, subject in like Manner to the Approval of the Sheriff, impose a Curriculum of legal Study on the Apprentices serving their Time to the Members of such Faculty or Society, and may institute compulsory Examinations in Law and in legal Training and Practice of such Apprentices at the End of the Second, Third, and Fourth Years of their Apprenticeship, under such Regulations as to extending the Period of Apprenticeship, in case of Failure satisfactorily to undergo such Examinations, as may be established by and under Authority of the General Council herein-after appointed; and any Society hereafter to be incorporated may establish a Fund for the Benefit of indigent Members and of the Widows and Children of Members, and provide for the Use of the Members of the Society a Law Library, to be managed in such Manner as may be settled by the Byelaws, and for these and other Purposes may exact Payment of such Entrance Fees from Parties applying to be admitted as Procurators, and such annual Contribution from each Member of the Society, as may from Time to Time be fixed by the Society, and be approved of by the Sheriff as aforesaid; and in Counties where no such Society exists it shall be in the Power of the Sheriff to order and enforce the preliminary and intermediate Examinations aforesaid.

General Council.

XVII. The Dean, President, or other chief Office Bearer of each of the several Faculties or Societies of Procurators already incorporated, or which shall after the passing of this Act be incorporated, in Terms thereof, or in his Absence the Sub-Dean, Vice President, or other Member of such Faculty or Society elected to act in his Place, shall form a General Council of Procurators for the Purpose of exercising the Powers conferred upon them by this Act, and shall meet at least once in each Year at such Time and Place as may be fixed in manner herein-after provided, any Five Members of such General Council being a Quorum.

General Council to

XVIII. The First Meeting of such General Council shall be held at *Edinburgh* on *Monday* the Thirtieth Day of *October* One

One thousand eight hundred and sixty-five, at One o'Clock, within the Sheriff Court-house, and the Members present, after choosing an interim Chairman, shall appoint a Committee of their Number to frame a Draft of the Byelaws herein-after mentioned, with Instructions to report such Draft to an adjourned Meeting, to be held at a Time and Place to be then fixed; and it shall be lawful for such adjourned Meeting, or any other Meeting held by Adjournment, to adopt the said Byelaws with or without Amendments. meet and frame Byelaws.

XIX. The Byelaws to be so framed and adopted shall provide for the yearly Appointment of Office Bearers, and in particular of a President, and for the Time and Place of all Meetings of the General Council and Office Bearers, and for the Mode of calling the same, and for all other Regulations necessary for beneficially transacting the Business committed to the General Council by this Act, and for the future Amendment of such Byelaws, if necessary. Office Bearers and Time and Place of future Meetings to be appointed.

XX. The General Council shall prescribe a Curriculum of legal Study for Persons intending to apply for Admission as Procurators, and shall by themselves, or by One or more Committees of their Number, and with such Assistance as the Council may see fit to appoint, act as Examiners of Persons applying for Admission as Procurators, and shall as soon as may be after the passing of this Act frame Regulations as to the Subjects both in General Knowledge and Law, and legal Training and Practice, in which all Persons applying for Admission after a certain Date to be therein fixed shall be examined as hereinbefore provided, in order to ascertain that they are in these respects qualified for Admission, and also Regulations as to extending the Period of Apprenticeship of Apprentices failing to undergo satisfactorily the compulsory Examinations hereinbefore provided, and may, if need be, vary such Curriculum and Regulations to suit the peculiar Circumstances of any County, and may also from Time to Time thereafter alter and amend such Regulations respectively. Power to General Council to prescribe a Curriculum of legal Study and frame Regulations as to Subjects, &c.

XXI. The Curriculum, Regulations, and Byelaws to be framed by the General Council as aforesaid, or any future Alterations or Amendments thereof, shall be of no Force or Effect unless the same have been submitted to the Sheriffs of *Scotland* convened as directed by the Act First and Second *Victoria*, Chapter One hundred and nineteen, Section Thirty-two, and reported on by the Meeting so convened, or any adjourned Meeting of the Sheriffs, to the Lord President of the Court of Session, the Lord Justice Clerk, and the other Judges of the Court of Session, and have been approved of by them, and until the said Regulations are so approved of the Rules in operation Such Regulations to be submitted to Sheriffs convened as by 1 & 2 Vict. c. 119. and approved by Lord President, Lord Justice Clerk, and Judges

of the Court of Session.

tion in each County, Ward, or District for the Examination of Persons applying for Admission shall continue in force.

General Council to fix Time and Place and Fees of Examinations.

XXII. The General Council shall also from Time to Time fix the Times and Places at which such Examinations may most conveniently be conducted, and shall also, subject to the Approval aforesaid, fix the Fees to be paid by the Applicants to defray the Expense of such Examinations and the Application of the Fees so paid.

Expenses of General Council how to be provided for.

XXIII. The General Council may, from Time to Time, exact such Contributions from the various Faculties and Societies already incorporated, or to be incorporated under this Act, as shall be required for the necessary Expenditure of the General Council and Office Bearers thereof, and that as nearly as may be in proportion to the Numbers of Members of such Faculties or Societies, and may recover Payment of such Contributions by Action at Law, to be brought in Name of their President or of any of their Office Bearers whom they may appoint for that Purpose, an Account of which Contributions and Expenditure shall be made up annually, and Copies transmitted to the Dean, President, or other chief Officer of every such Faculty or Society.

How Procurator may be suspended from Practice or struck off Register.

XXIV. No Person who has been admitted a Procurator in Terms of this Act shall be liable to have his Admission challenged or set aside on any Ground except Fraud; reserving, nevertheless, to and empowering the Sheriff of each County, Ward, District, or Division as aforesaid, on a written Complaint made and Cause shown to him by any incorporated Faculty or Society of Procurators practising in his Court, and where there is no such Faculty or Society then by any Three or more Procurators practising in such Court, to call before him, on Six Days Induciæ, and thereafter, whether with or without compearance, to suspend from Practice, or to strike off the Register, the Name of any Procurator registered in his Court whom he may deem guilty of gross Misconduct, which Sentence shall contain within itself a Statement of the Facts and Grounds on which it proceeded, and shall be subject to Review and Stay of Execution only by Petition of Appeal, to be presented, within Six Months from the Date of such Sentence, to the Inner House of the Court of Session sitting in either Division, who may hear any Person interested thereon, and may confirm or reverse the Sentence of the Sheriff, with or without further Inquiry, without Prejudice to the Sheriff and Sheriff Substitute exercising all Powers competent to them at Common Law in such Matters.

Power to Procurators to complain to the

XXV. Any Procurator shall be entitled to complain to the Sheriff in whose Court he is entitled to practise against any Person practising in such Court who is not a Procurator thereof; and

and the Sheriff shall, on such Complaint being proved to his Satisfaction, interdict such Person from Practice; and any Procurator who shall knowingly and wilfully lend his Name to enable any Person who is not a Procurator to practise as such may, on a Complaint made as aforesaid, be summarily suspended from Practice or struck off the Register, and the Sentence of the Sheriff in either Case shall be subject to Review and Stay of Execution only in manner foresaid. Sheriff of unqualified Procurators. Penalty on Procurator lending his Name to unqualified Persons.

XXVI. The Sentence of any Sheriff striking a Procurator off the Register shall entitle any incorporated Faculty or Society as aforesaid of which he is a Member to expel him from the Body, and he shall thereupon forfeit all his Rights and Privileges as a Member thereof, except his Right to a Share of any Fund for behoof of Widows or Children: Provided that during the Period allowed for Appeal as aforesaid, and during the Dependence of such Appeal, the Party against whom the Sheriff's Sentence shall stand shall be disabled from exercising any of the Rights, Functions, and Privileges of a Procurator. Effects of Sheriff's Sentence.

XXVII. Nothing in this Act contained shall be held to limit or prejudice the Rights and Privileges of the following Public Bodies; that is to say, the Society of Writers to Her Majesty's Signet, the Society of Solicitors in the Supreme Courts, the Society of Solicitors at Law, *Edinburgh*, the Faculty of Procurators in *Glasgow*, the Faculty of Procurators in *Paisley*, or the Society of Advocates in *Aberdeen*, or any other such Faculty or Society holding a Royal Charter: Provided always, that it shall be competent to any Faculty or Society of Procurators incorporated before the passing of this Act, notwithstanding the Terms of their Charter, to pass such Byelaws as may be necessary to assimilate, in whole or in part, the Conditions and Mode of Admission to the Privileges of their Incorporation to the Provisions of this Act;, provided also, that it shall be competent to any such Faculty or Society of Procurators, if they shall so desire, by the Assent given in Writing of at least Three Fourths of the Members registered as herein-before provided, and on the Register at the Time, to alter its Name or Title without Prejudice to its existing Powers and Privileges. Nothing to prejudice Privileges of certain public Bodies. Power to Faculty, &c. to make Byelaws, and to alter its Name.

XXVIII. Nothing in this Act contained shall be held to repeal the Privileges conferred by former Acts of Parliament on Persons who may be qualified to practise as Agents in the Court of Session of practising in certain Cases before the Sheriff Courts of *Scotland*, or to prejudice or affect the Rights or Privileges of any Person appointed to be Solicitor or Attorney on behalf of Her Majesty, under the Orders or Directions of the Commissioners of the Treasury, Customs, Inland Revenue, or under the Orders or Directions of any Commissioners or other Persons or Person Saving Rights of certain Persons.

Person having the Management of any other Branch of Her Majesty's Revenue for the Time being, or under the Authority of any Act of Parliament, or of any Person now holding or who may hereafter be appointed to the Office of Procurator Fiscal in any Inferior Court.

Saving Rights of Notaries Public.

XXIX. Nothing in this Act contained shall prejudice the Rights and Privileges of Notaries Public, or affect the Manner of their Admission to Office.

Short Title.

XXX. This Act may be cited as "The Procurators (*Scotland*) Act, 1865."

CAP. LXXXVI.

An Act to amend the Law of Partnership.—[5*th* July 1865.]

WHEREAS it is expedient to amend the Law relating to Partnership: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Advance of Money on Contract to receive a Share of Profits not to constitute the Lender a Partner.

I. The Advance of Money by way of Loan to a Person engaged or about to engage in any Trade or Undertaking upon a Contract in Writing with such Person that the Lender shall receive a Rate of Interest varying with the Profits, or shall receive a Share of the Profits arising from carrying on such Trade or Undertaking, shall not, of itself, constitute the Lender a Partner with the Person or the Persons carrying on such Trade or Undertaking, or render him responsible as such.

The Remuneration of Agents, &c. by Share of Profits not to make them Partners.

II. No Contract for the Remuneration of a Servant or Agent of any Person engaged in any Trade or Undertaking by a Share of the Profits of such Trade or Undertaking shall, of itself, render such Servant or Agent responsible as a Partner therein, nor give him the Rights of a Partner.

Certain Annuitants not to be deemed Partners.

III. No Person being the Widow or Child of the deceased Partner of a Trader, and receiving by way of Annuity a Portion of the Profits made by such Trader in his Business, shall, by reason only of such Receipt, be deemed to be a Partner of or to be subject to any Liabilities incurred by such Trader.

Receipt of Profits in consideration of Sale of Goodwill not to make the Seller a Partner.

IV. No Person receiving by way of Annuity or otherwise a Portion of the Profits of any Business, in consideration of the Sale by him of the Goodwill of such Business, shall, by reason only of such Receipt, be deemed to be a Partner of or be subject to the Liabilities of the Person carrying on such Business.

V. In

V. In the event of any such Trader as aforesaid being adjudged a Bankrupt, or taking the Benefit of any Act for the Relief of Insolvent Debtors, or entering into an Arrangement to pay his Creditors less than Twenty Shillings in the Pound or dying in insolvent Circumstances, the Lender of any such Loan as aforesaid shall not be entitled to recover any Portion of his Principal, or of the Profits or Interest payable in respect of such Loan, nor shall any such Vendor of a Goodwill as aforesaid be entitled to recover any such Profits as aforesaid until the Claims of the other Creditors of the said Trader for valuable Consideration in Money or Money's Worth have been satisfied. In case of Bankruptcy, &c., Lender not to rank with other Creditors.

VI. In the Construction of this Act the Word "Person" shall include a Partnership Firm, a Joint Stock Company, and a Corporation. Interpretation of "Person."

CAP. LXXXVII.

An Act to enable Her Majesty's Postmaster General to acquire a Site for the Extension of the General Post Office in St Martin's-le-Grand *in the City of* London.—[5*th* July 1865.]

CAP. LXXXVIII.

An Act for the recording of Titles to Land in Ireland.—[5*th* July 1865.]

CAP. LXXXIX.

An Act to provide for the better Government of Greenwich *Hospital, and the more beneficial Application of the Revenues thereof.*—[5*th* July 1865.]

CAP. XC.

An Act for the Establishment of a Fire Brigade within the Metropolis.—[5*th* July 1865.]

CAP. XCI.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.—[*5th* July 1865.] (England.)

CAP. XCII.

An Act to shorten the Time for the Election of Members to serve in Parliament for the Ayr *District of Burghs.*—[*5th* July 1865.]

WHEREAS an Act was passed in the Second and Third Years of the Reign of King *William* the Fourth, intituled *An Act to amend the Representation of the People in* Scotland, whereby it is provided that the Day of Election of Members to serve in Parliament shall be not less than Ten nor more than Sixteen Days after the Day on which the Writ is received by the Sheriff: And whereas by an Act passed in the Fifth and Sixth Years of the Reign of King *William* the Fourth, Chapter Seventy-eight, the Time for the Election of Members to serve in Parliament for Cities, Burghs, and Towns, or Districts of Cities, Burghs, and Towns, in *Scotland*, was shortened to not less than Four nor more than Ten Days after the Day on which the Writ is received, except in the Districts comprehending *Kirkwall*, *Wick*, *Dornoch*, *Dingwall*, *Tain*, *Cromarty*, *Ayr*, *Irvine*, *Campbelltown*, *Inverary*, and *Oban*, wherein it was by the Second Section of the said last-recited Act provided that the Provisions of the said first-recited Act, in so far as they relate to the Announcement of the Day of Election, and the Interval to elapse between the Receipt of the Writ and the Proclamation thereof, should remain in full Force and Effect: And whereas it is expedient that, with respect to the *Ayr* District of Burghs, such Exception should no longer be continued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament

2 & 3 W. 4. c. 65.

5 & 6 W. 4. c. 78.

Parliament assembled, and by the Authority of the same, as follows:

Part of Sect. 2 of 5 & 6 W. 4. repealed.

I. The Second Section of the said last-recited Act shall be and is hereby repealed so far as relates to the *Ayr* District of Burghs, but not further or otherwise.

Sheriff to endorse on Writ for Ayr District of Burghs the Day on which he received it, and to announce Time for the Election.

II. The Sheriff to whom any Writ for the Election of a Member to serve for the District of Burghs comprehending *Ayr*, *Irvine*, *Campbelltown*, *Inverary*, and *Oban* shall be directed under the Provisions of the said first-recited Act shall endorse on the Back of the Writ the Day on which he received it, and shall within Two Days thereafter announce a Day for the Election, which Day shall be not less than Four nor more than Ten Days after the Day on which the Writ was received, and shall give due Intimation thereof as is provided in the said first-recited Act.

CAP. XCIII.

An Act to consolidate the Offices of Comptroller General of the Exchequer and Chairman of the Commissioners for auditing the Public Accounts and for other Purposes.—[5*th* July 1865.]

CAP. XCIV.

An Act to amend the Carriers Act.—[5*th* July 1865.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The term "Lace" in 11 G. 4. & 1 W. 4. c. 68. not to include Machine-made Lace.

I. In the Carriers Act (that is to say, the Act of the Session held in the Eleventh Year of the Reign of King *George* the Fourth and the First Year of the Reign of King *William* the Fourth, Chapter Sixty-eight, "for the more effectual Protection " of Mail Contractors, Stage Coach Proprietors, and other Com- " mon Carriers for Hire, against the Loss of or Injury to Parcels " or Packages delivered to them for Conveyance or Custody, " the Value and Contents of which shall not be declared to " them by the Owners thereof,") the Term "Lace" shall, with respect to any Parcel or Package delivered after the Commence-

ment of this Act, be construed as not including Machine-made Lace.

Commencement of Act.

II. This Act shall commence from and immediately after the Thirtieth Day of *September* One thousand eight hundred and sixty-five.

Short Title.

III. This Act may be cited as The Carriers Act Amendment Act, 1865.

CAP. XCV.

An Act to amend the Law relating to the Duties on Sugar, and the Drawbacks on those Duties.—[5th July 1865.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, as follows:

Duties on Cane Juice.

I. That on and after the First of *September* One thousand eight hundred and sixty-five, provided that the Ratifications of a Convention between Her Majesty, the King of the *Belgians*, the Emperor of the *French*, and the King of the *Netherlands*, for regulating the Drawbacks on Sugar, which was signed at *Paris* on the Eighth Day of *November* One thousand eight hundred and sixty-four, shall then have been exchanged,—

In lieu of the Duties of Customs now charged on the undermentioned Article, the following Duties of Customs shall be charged thereon, on Importation into *Great Britain* or *Ireland*; (that is to say,)

	£	*s.*	*d.*
Cane Juice, the Cwt. - - -	0	8	2

Drawbacks on refined Sugar.

II. That from and after the Day on which the Ratifications of a Convention between Her Majesty, the King of the *Belgians*, the Emperor of the *French*, and the King of the *Netherlands*, for regulating the Drawbacks on Sugar, which was signed at *Paris* on the Eighth Day of *November* One thousand eight hundred and sixty-four, shall be exchanged,—

In lieu of the Drawbacks of Twelve Shillings and Tenpence now allowed on certain Descriptions of refined Sugar, the following Drawbacks shall be paid and allowed on the undermentioned Descriptions of refined Sugar on the Exportation thereof to Foreign Parts, or on Removal to the *Isle of Man* for

for Consumption there, or on Deposit in any approved Warehouse, upon such Terms and subject to such Regulations as the Commissioners of Customs may direct, for Delivery from such Warehouse as Ship's Stores only or for the Purpose of sweetening *British* Spirits in Bond; (that is to say,)

Upon Sugar refined in *Great Britain* or *Ireland*, in Loaf complete and whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform Whiteness throughout; and upon such Sugar pounded, crushed, or broken in a Warehouse approved by the Commissioners of Customs, such Sugar having been first inspected by the Officers of Customs in Lumps or Loaves, as if for immediate Shipment, and then packed for Exportation in the Presence of such Officers, and at the Expense of the Exporters; and upon Candy:

	£	*s.*	*d.*
For every Cwt. - - -	0	12	4

Upon Sugar refined in *Great Britain* or *Ireland* by the centrifugal or any other Process, and not in any way inferior to the Export Standard No. 3. approved by the Lords of the Treasury;

	£	*s.*	*d.*
For every Cwt. - - -	0	12	4

Provided, that if refined Sugar, not being in any way inferior to No. 1. Standard Export Sample approved by the Lords of the Treasury, be not thoroughly dried in the Stove, but shall be found to contain Moisture not exceeding Five *per Centum* over and above what the same would contain if thoroughly dried in the Stove, then the above Drawback shall be allowed thereon, subject to a Deduction in respect of such Moisture of Five *per Centum*, in lieu of any other Drawback now allowed thereon.

CAP. XCVI.

An Act to amend the Laws relating to the Inland Revenue.—[*5th* July 1865.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. For

Scale of Stamp Duties on Conveyances, in lieu of Scale in 13 & 14 Vict. c. 97.

I. For and in lieu of the Scale of Stamp Duties chargeable under the Title "Conveyance" in the Schedule of the Act passed in the Thirteenth and Fourteenth Years of Her Majesty's Reign, Chapter Ninety-seven, the following Scale of Stamp Duties shall be chargeable; (that is to say,)

	£	s.	d.
Where the Purchase or Consideration Money expressed in or upon the principal or only Deed, Instrument, or Writing of Conveyance shall not exceed £5 . .	0	0	6
And where the same shall exceed £5 and not exceed £10	0	1	0
" " 10 " 15	0	1	6
" " 15 " 20	0	2	0
" " 20 " 25	0	2	6
" " 25 " 50	0	5	0
" " 50 " 75	0	7	6
" " 75 " 100	0	10	0
" " 100 " 125	0	12	6
" " 125 " 150	0	15	0
" " 150 " 175	0	17	6
" " 175 " 200	1	0	0
" " 200 " 225	1	2	6
" " 225 " 250	1	5	0
" " 250 " 275	1	7	6
" " 275 " 300	1	10	0
And where the Purchase or Consideration Money shall exceed £300, then for every £50 and also for any fractional part of £50	0	5	0

Scale of Stamp Duties on Appraisements, in lieu of Scale in 55 G. 3. c. 184.

II. And for and in lieu of the Scale of Stamp Duties chargeable under the Title "Appraisement" in the Schedule to the Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, Chapter One hundred and eighty-four, the following Scale of Stamp Duties shall be chargeable; (that is to say,)

	£	s.	d.
Where the Amount of the Appraisement or Valuation shall not exceed £5	0	0	3
And where it shall exceed £5 and not exceed £10 .	0	0	6
" " 10 " 20 .	0	1	0
" " 20 " 30 .	0	1	6
" " 30 " 40 .	0	2	0
" " 40 " 50 .	0	2	6
" " 50 " 100 .	0	5	0
" " 100 " 200 .	0	10	0
" " 200 " 500 .	0	15	0
" " 500	1	0	0

Scale of Stamp Duties on Awards, in lieu of Duties in 23 & 24 Vict. c. 111.

III. And for and in lieu of the Scale of Stamp Duties chargeable under the Title "Award" in the Schedule to the Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter One hundred and eleven, the following Scale of Stamp Duties shall be chargeable; (that is to say,)

For

	£	s.	d.
For and upon every Award in England or Ireland, and Award or Decreet Arbitral in Scotland, where the Amount or Value of the Matter in dispute shall not exceed £5	0	0	3
And where it shall exceed £5 and not exceed £10 .	0	0	6
„ „ 10 „ 20 .	0	1	0
„ „ 20 „ 30 .	0	1	6
„ „ 30 „ 40 .	0	2	0
„ „ 40 „ 50 .	0	2	6
„ „ 50 „ 100 .	0	5	0
„ „ 100 „ 200 .	0	10	0
„ „ 200 „ 500 .	0	15	0
„ „ 500 „ 750 .	1	0	0
„ „ 750 „ 1,000 .	1	5	0
And where it shall exceed £1,000, and also in all other Cases not above provided for	1	15	0

Stamp Duty reduced on certain Licences granted by Ecclesiastical Authority.

IV. And in lieu of the Stamp Duty of Two Pounds now chargeable by Law for or upon any Licence to be granted by any Archbishop, Bishop, Chancellor, or other Ordinary, or by any Ecclesiastical Court, in *England* or *Ireland*, or by any Presbytery or other Ecclesiastical Power in *Scotland*, for any of the following purposes, (that is to say,)

1. To hold the Office of Lecturer, Reader, Chaplain, Church Clerk, Chapel Clerk, Parish Clerk, or Sexton;
2. For licensing a building for the Performance of Divine Service within an Ecclesiastical District formed under the Provisions of the New Parishes Act;
3. For licensing any Chapel for the Solemnization of Marriages therein pursuant to the Provisions of the Act Sixth and Seventh *William* the Fourth, Chapter Eighty-five;
4. For licensing or authorizing any Matter which regards a consecrated Building or Ground, or anything to be constructed, set up, taken down, or altered, therein, or to be removed therefrom;

There shall be charged and paid for or upon any such Licence as aforesaid the Stamp Duty of Ten Shillings: Provided always, that nothing herein contained shall extend to charge with Duty any Licence expressly exempted from Stamp Duty by any Act of Parliament now in force.

Agreements for letting small Tenements chargeable with One Penny Stamp Duty.

V. Any Agreement or Memorandum for the letting of a Dwelling House or Tenement, or Part of a Dwelling House or Tenement, for any Period less than a Year, at a Rent payable weekly or monthly, and not exceeding the Rate of Three Shillings and Sixpence *per* Week, shall be chargeable with the Stamp Duty of One Penny only in lieu of any other Stamp Duty now Chargeable on any such Agreement or Memorandum.

VI. And

Duty on Certificates taken out by Conveyancers and Special Pleaders within the first Three Years of their Practice reduced.

VI. And whereas by an Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Sixty-three, certain Stamp Duties specified in the Schedule to the same Act annexed are imposed upon a Certificate to be taken out yearly by every Person, being a Member of One of the Four Inns of Court in *England*, and by every Person in *Ireland*, who, in the Character of Conveyancer, Special Pleader, Draftsman in Equity, or otherwise, shall, for or in expectation of any Fee, Gain, or Reward, draw or prepare any Conveyance of or Deed or Instrument relating to any Estate or Property, Real or Personal, or any other Deed or Contract whatever, or any Pleadings or Proceedings in any Court of Law or Equity: Be it enacted, That any such Certificate to be taken out by any such Person as aforesaid within the Period of Three Years after he shall first begin to practise in manner aforesaid shall be charged with only One Half of the said Duties respectively.

Stamp Duty on Charterparties reduced.

VII. In lieu of the Stamp Duty of Five Shillings now chargeable by Law on any Charterparty, or any Document chargeable with Stamp Duty as a Charterparty, there shall be charged and paid thereon the Stamp Duty of Sixpence, which may be denoted either by an impressed Stamp upon the Charterparty or Document or by an adhesive Stamp affixed thereon: provided, that if an adhesive Stamp be used, the Person who shall last sign the Charterparty or Document, or whose Signature shall complete the same as a binding Contract, shall at the Time of his so signing the same cancel the said Stamp by writing thereon his Name or the Name of his Firm, together with the true Date of his so writing the same; and in default of so cancelling the adhesive Stamp in manner aforesaid, such Charterparty or Document shall not be good, valid, or available for any purpose whatever: Provided always, that if any Charterparty or other such Document as aforesaid which shall be brought to the Commissioners of Inland Revenue to be stamped within the respective Times herein-after mentioned after the same shall bear Date and shall have been first signed, the Commissioners shall stamp the same with an impressed Stamp on the following Terms; (that is to say,) if within Seven Days, on Payment of the Duty and Four Shillings and Sixpence; and if after that Time, and within One Calendar Month after such Date and first signing, then on Payment of the Duty and the Sum of Ten Pounds; but after the Expiration of the last-mentioned Period it shall not be lawful to stamp such Charterparty or other Document as aforesaid on any Pretence whatever: Provided always, that if any Charterparty, whether printed or written, shall be first signed by any Party thereto out of the United Kingdom, such Charterparty being unstamped, it shall be

If Stamp not cancelled, Charterparties invalid.

Terms on which certain Charterparties may be stamped after being signed.

be lawful for any Party thereto within Ten Days after it shall have been received in this Kingdom, and before the same shall have been signed by any Person here, to affix thereto an adhesive Stamp denoting the Duty chargeable thereon, and to cancel such Stamp by writing across the same his Name and the Date when he shall so affix such Stamp, and thereupon such Charterparty shall be deemed to be duly stamped.

Reduction of Duty on certain Time Policies of Sea Insurance.

VIII. And whereas by an Act passed in the Seventh Year of Her Majesty's Reign, Chapter Twenty-one, certain Stamp Duties contained in the Schedule to the same Act were imposed on Policies of Sea Insurance in relation to Ships or Vessels for or upon any Voyage, and also for any certain Term or Period of Time: Be it enacted, That there shall be charged and paid, in lieu of the Duties chargeable under the said last-mentioned Act, for and in respect of any such Insurance made for a certain Term or Period of Time upon or in relation to any Ship or Vessel, the following reduced Rates of Duty for every One hundred Pounds and also for any fractional Part of One hundred Pounds whereof the same shall consist; (that is to say,)

	Duty. £	s.	d.
Where any Insurance shall be made upon or in relation to any Ship or Vessel lying or being in any Dock, Harbour, or River for any certain Term or Period of Time not exceeding One Calendar Month - -	0	0	6
And where any such Insurance as aforesaid shall be made for any Term or Period of Time exceeding One Month, and not exceeding Three Months, and also where any Insurance shall be made upon or in relation to any Ship or Vessel lying or being elsewhere than as aforesaid for any Term or Period of Time not exceeding Three Months	0	1	0
And where any Insurance shall be made upon or in relation to any Ship or Vessel, wheresoever the same may be, for any Term or Period of Time exceeding Three Months and not exceeding Six Months - -	0	2	0
Exceeding Six Months - - -	0	4	0

Insurances on a Voyage and also for Time, how chargeable.

And any Sea Insurance made for or upon a Voyage and also for any certain Term or Period of Time, or to extend to or cover any certain Term or Period of Time beyond Twenty-four Hours after the Ship shall have arrived at her Destination and been there moored at Anchor, is hereby declared to be an Insurance for a certain Term or Period of Time as well as an Insurance made

made upon a Voyage, and the Policy to be chargeable with Duty accordingly.

Limitation of Time for making Application for Allowance of Stamp Duty on Policies of Re-assurance repealed.

IX. And whereas by an Act passed in the last Session of Parliament, Chapter Fifty-six, Section One, the Time for making Application to the Commissioners of Inland Revenue for the Allowance for the Stamp Duty impressed on a Policy of Re-assurance is limited to a Period of Three Calendar Months next after the Termination of the Risk: Be it enacted, That so much of the said Section as limits the Time for making such Application as aforesaid shall be and the same is hereby repealed.

55 G. 3. c. 184. "Policies."

X. And whereas by the said Act passed in the Fifty-fifth Year of the Reign of King *George* the Third certain Stamp Duties contained in the Schedule to the same Act were imposed, under the Head or Title of "Policy," on various Descriptions of Insurance commonly known by the several Names of Life Insurance, Fire Insurance, and Sea Insurance respectively, specifically described and charged with Duty as in the said Schedule is mentioned; and lastly certain Duties were imposed upon any Policy of Assurance whereby any other lawful Insurance whatsoever than as aforesaid should be made upon any Property or Interest whatever from Loss or Damage of any Kind: And whereas by the said Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter One hundred and eleven, certain other Stamp Duties, described under the Head or Title of "Policy" in the Schedule to the last-mentioned Act, were also granted and imposed: Be it enacted, That in lieu of the Duties so granted and imposed by the said Two last-recited Acts respectively as last aforesaid, so far as they relate to any Insurance on which Duties are imposed by this Act, there shall be charged and paid for and upon any Policy of Assurance whereby any lawful Insurance not chargeable with Stamp Duty as Life Insurance, Fire Insurance, or Sea Insurance shall be made upon any Property or Interest whatever from Loss or Damage of any Kind, or whereby any Sum of Money shall be assured or agreed to be paid only upon the Death of any Person from Accident or Violence, or otherwise than from a natural Cause, or as Compensation for a personal Injury, or whereby any Sum of Money shall be assured or agreed to be paid as or for Loss or Damage or Compensation for or Indemnity against Loss or Damage arising from or consequent upon the happening of any Accident, the following Duties; (that is to say,)

23 & 24 Vict. c. 111.

Stamp Duties granted on certain Policies of Assurance in lieu of former Duties thereon.

	£	*s.*	*d.*
If the Premium or Consideration for such Assurance shall not exceed 2*s.* 6*d.* - -	0	0	1
And if the same shall exceed 2*s.* 6*d.* and shall not exceed 5*s.* - - -	0	0	3

And

And if the same shall exceed 5*s.*, then for every 5*s.* and also for any fractional Part of 5*s.* of such Premium or Consideration - 0 0 3

And where any such Assurance as aforesaid shall be made on such Terms or Conditions that the Rates of Duty aforesaid cannot be applied to the same or the Policy charged therewith, then, in lieu of the foregoing Rates of Duty, there shall be charged and paid upon such Policy in respect of the Amount of the Sum insured the same Rate of Stamp Duty as is now chargeable by Law on a Policy of Life Assurance.

Accidental Death Policy not to be chargeable as Life Assurance.

XI. Provided always, That no Policy of Assurance for Payment of any Sum of Money upon the Death of any Person only from Accident or Violence, or otherwise than from a natural Cause, shall be deemed to be a Policy of Life Assurance chargeable otherwise than under this Act; and provided also, that nothing herein contained shall extend to repeal or alter the Duty chargeable under an Act passed in the Twelfth and Thirteenth Years of Her Majesty's Reign, intituled *An Act to confer certain Powers on the Railway Passengers Assurance Company* on the Sums received by the said Company in respect of the Insurance Tickets issued by them, or to impose any other Duty upon or in respect of such Tickets.

Not to repeal or alter the Duties payable by the Railway Passengers Assurance Company.

Section 8 of 23 & 24 Vict. c. 111. and Section 29 of 24 & 25 Vict. c. 91 repealed.

XII. Section Eight of the said Act of the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, and Section Twenty-nine of an Act passed in the Twenty-fourth and Twenty-fifth Years of Her Majesty's Reign, Chapter Ninety-one, shall be and the same are hereby repealed, save and except as to any Arrear of Duty or any Penalty incurred before the passing of this Act.

Provisions for preventing Frauds in relation to the Stamp Duties imposed by this Act on Policies of Insurance.

XIII. And for preventing Frauds in respect of the Stamp Duties by this Act imposed on Policies of Insurance, the Provisions and Penalties contained in Section Six of the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Fifty-nine, shall be observed, applied, and put in force in relation to Policies of Insurance of any Description (other than Sea Insurance) whereon Duties are imposed by this Act; and further, if any Person shall make, sign, or deliver out any Policy not duly stamped for denoting the Duty by this Act charged thereon he shall forfeit the Sum of Twenty Pounds; and where any Insurance shall be made by or for any Society or Company, the Person who shall be a Managing Director or the Secretary or other Principal Officer thereof at the Time of committing any Offence or unlawful Act, Neglect, or Default for which any Penalty is by this or any other Act imposed shall be held to be a Person committing such Offence, or doing or suffering such unlawful Act, Neglect, or Default, and

and shall, as well as the said Society or Company, be subject and liable to any and every such Penalty as aforesaid.

Meaning of the Terms "Assurance" and "Policy."

XIV. The Term "Assurance" used in this Act shall mean and include Insurance, and the Term "Policy" shall mean and include any Agreement or other Instrument, by whatever Name the same shall be called, whereby any such Assurance as aforesaid shall be made or agreed to be made.

Policies and Instruments of Insurance made abroad on behalf of Insurers in the United Kingdom, when chargeable with Stamp Duty.

XV. The Stamp Duties chargeable under this or any other Act for the Time being in force upon or in respect of any Policy of Insurance of any Description shall extend to and be deemed to be payable upon and in respect of any Policy or other Instrument of Insurance which shall be made or signed out of the United Kingdom by or on behalf of any Person carrying on the Business of Insurance within the United Kingdom, or by which, according to any Stipulation, Agreement, or Understanding, expressed or implied, any Loss or Damage or any Sum of Money shall be payable or recoverable in the United Kingdom upon the happening of any Contingency whatever; and no such Policy or other Instrument of Insurance shall be valid or available in the United Kingdom for any Purpose whatever, unless the same shall be duly stamped for denoting the Duties chargeable thereon as aforesaid: Provided always, that if such Policy or Instrument shall be brought to the Commissioners of Inland Revenue for the Purpose of being stamped as aforesaid within Two Calendar Months next after the same shall have been received in the United Kingdom, and upon Proof of that Fact to the Satisfaction of the said Commissioners, they shall cause such Policy or Instrument to be duly stamped on Payment of the Duties chargeable thereon; but after the Expiration of the said Period it shall not be lawful for the Commissioners to permit the said Policy or Instrument to be stamped on any Pretence whatever.

Policies executed abroad to be brought to be stamped within Two Months after being received in the United Kingdom.

Receipts given for Sums deposited on Allotments of Shares, or for Calls on Scrip or Shares, not to be exempted from Stamp Duty.

XVI. And whereas by the Laws in force Receipts given for Money deposited in any Bank, or in the Hands of any Banker, to be accounted for, are exempted from Stamp Duty, except Receipts or Acknowledgments for Sums paid or deposited for or upon Letters of Allotment of Shares, or in respect of Calls upon Scrip or Shares, of or in any Joint Stock or other Company, or proposed or intended Company: Be it enacted, That such Exception shall be deemed to apply wheresoever any such Company may be, and shall also extend to Receipts and Acknowledgments for Sums paid or deposited for or in respect of Allotments of Shares, and Calls upon Scrip or Shares, of or in any Loan or proposed or intended Loan raised or proposed to be raised by or on behalf of any Foreign or Colonial

Colonial Government, State, Corporation, or Company; all which said Receipts and Acknowledgments, so excepted as aforesaid, by whomsoever given, shall be chargeable with the Duty imposed on Receipts.

Stamp Duties on Transfers of Mortgages.

XVII. And whereas by the said Act passed in the Thirteenth and Fourteenth Years of Her Majesty's Reign, Chapter Ninety-seven, certain Stamp Duties specified in the Schedule to the same Act were granted and imposed upon any Transfer or Assignment, Disposition or Assignation, of any Mortgage or Wadset, or of any such other Security as in the said Schedule is described, or of the Benefit thereof, or of the Money or Stock thereby secured: Be it enacted, That in lieu of the said last-mentioned Duties there shall be charged and paid for and upon every such Transfer or Assignment, Disposition or Assignation, as aforesaid, the following Stamp Duties; (that is to say,)

For every £100 or any fractional Part of £100 of the Amount or Value of the Principal Money or Stock already secured by such Mortgage, Wadset, or other such Security as aforesaid, thereby transferred or assigned or disponed, the Duty of Sixpence:

And if any further Sum of Money or Stock shall be added to the Principal Money or Stock already secured as aforesaid there shall be charged and paid also the same Duty as on a Mortgage or Wadset for the Amount or Value of such further Money or Stock.

Hawkers Licences may be renewed before Expiration, and new Licence to stand in place of Licence surrendered.

XVIII. Any Hawker, Pedlar, or Petty Chapman may apply for a renewed Licence under the Provisions of the Statute in that Behalf at any Time before the Expiration of his current Licence; and on Production and Surrender of his current Licence, and Payment of the Duty chargeable on a new Licence, it shall be lawful for the Officer to grant to him a renewed Licence, and such Officer shall insert therein the Days of the Commencement and Termination of the Period for which the same shall be granted, and the Day of granting the same, and shall endorse thereon a Memorandum of the Date and Place of Surrender of the current Licence; and such renewed Licence, so endorsed, shall stand in the Place of and be of the same Force and Effect as the surrendered Licence during the unexpired Term thereof, as well as for the whole of the Term for which the renewed Licence shall have been granted.

First Appointments of certain Officers of Customs not chargeable with Stamp Duty.

XIX. No Stamp Duty shall be chargeable upon the first Grant or Appointment of any Person to the Office or Employment of Outdoor Officer, Boatman, Waterman, or Watchman in the Service of the Customs, or upon any Commission or Deputation granted to him in pursuance of such Appointment.

XX. No

No Declaration in order to a Marriage without Licence.

XX. No Declaration required to be made pursuant to any Act relating to Marriages in order to a Marriage without Licence shall be chargeable with any Stamp Duty.

Stamp Duties on Certificates of Marriage and of having received the Holy Sacrament repealed.

XXI. And whereas under the Title "Certificate" in the Schedule to the Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, Chapter One hundred and eighty-four, a Stamp Duty of Five Shillings is imposed on a Certificate of Marriage, and the like Duty on a Certificate of any Person's having received the Holy Sacrament: Be it enacted, That the said respective Stamp Duties last mentioned shall be and the same are hereby repealed.

Appeals against Adjudications on Stamp Duties may be heard in Scotland and Ireland.

XXII. And whereas by the Statutes in that Behalf Her Majesty's Court of Exchequer at *Westminster* is required to hear Appeals against Adjudications of the Commissioners of Inland Revenue relating to the Stamp Duty on Deeds as in the said Statutes is mentioned: Be it enacted, That in Cases where Deeds shall be presented for the opinion of the said Commissioners at their Offices in *Edinburgh* and *Dublin* respectively, Appeals against their Adjudications may be heard and determined by Her Majesty's Court of Exchequer in *Scotland* and *Ireland* respectively, in the same Manner and subject in all respects to the like Provisions as in the said Statutes are respectively enacted with regard to Appeals to Her Majesty's Court of Exchequer at *Westminster*.

British Spirits in Warehouse may be transferred on Production of Delivery Order.

XXIII. Any *British* Spirits deposited in a general Warehouse, in the Name of a Distiller or Dealer in Spirits, may be transferred in the Book kept by the Officer of Excise in charge of such Warehouse into the Name of a Purchaser, upon his producing to the Officer an Order in Writing from such Distiller or Dealer, countersigned by the Proprietor of the Warehouse or his known Servant, for the Delivery of the Spirits to such Purchaser; and all Spirits so transferred shall be discharged from all Claim in respect of any Duties, Penalties, or Forfeitures to which the Distiller or Dealer from whom such Transfer has been made may be liable, but no Spirits shall be delivered out of Warehouse for Home Consumption until Payment shall be made of the full Duties of excise chargeable thereon.

Sect. 122 of 23 & 24 Vict. c. 114 repealed.

XXIV. Section One hundred and twenty-two of the Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter One hundred and fourteen, is hereby repealed.

Amending the Law respecting Appeals under Excise Acts

XXV. In the Case of any Complaint brought before the Commissioners of Inland Revenue or Justices of the Peace respectively by virtue of the Provisions contained in the Twenty-seventh Section of the Act passed in the Fourth and Fifth

Fifth Years of the Reign of King *William* the Fourth, Chapter Fifty-one, in respect of any Matter or Thing which may be the Subject of Complaint under the said Section, if the Complainant, or the Solicitor, Collector, or Supervisor to whom Notice of such Complaint is by Law required to be given in such Case, shall feel aggrieved by the Judgment and Determination of the said Commissioners or Justices respectively, it shall be lawful for either Party aggrieved thereby to appeal from such Judgment and Determination in like Manner, and upon giving such Notices, and upon such Terms, Conditions, and Regulations (so far as the same shall be applicable), as are prescribed in Cases of Appeals by the several Acts passed respectively in the Seventh and Eighth Years of King *George* the Fourth, Chapter Fifty-three, the Fourth and Fifth Years of King *William* the Fourth, Chapter Fifty-one, and the Fourth Year of Her present Majesty, Chapter Twenty; provided that no such Appeal shall be allowed when the Sum in dispute shall not exceed Fifty Pounds.

on Complaints before Commissioners and Justices.

XXVI. And whereas by an Act passed in the Seventh and Eighth Years of the Reign of King *George* the Fourth, Chapter Fifty-three, Section Thirty-three, any Person discovered as therein mentioned aiding or assisting or concerned in the private manufacturing of Goods or Commodities subject to any Duty of Excise is liable to the Penalty of Thirty Pounds over and above other Penalties mentioned or referred to in the same Section of the said Act: And whereas doubts are entertained whether a person who has been convicted in the said Penalty of Thirty Pounds can afterwards be lawfully prosecuted for and convicted in any such other Penalties as aforesaid: Be it declared and enacted, That it shall be lawful to proceed against any Person for the Recovery of all or any of such last-mentioned Penalties, notwithstanding he may have been previously convicted in the said Penalty of Thirty Pounds.

Persons convicted of the illegal Manufacture of Goods liable to Excise Duty may be afterwards sued for collateral Penalties under Sect. 33 of 7 & 8 G. 4. c. 53.

XXVII. And whereas it is discovered that potable Spirits may be obtained from Methylic Alcohol by distilling the same after certain Processes of Purification, by which it is freed from the unpalatable Flavours which pertain to it in its crude State, and it is expedient to subject such Spirits to the Duty of Excise chargeable on Spirits: Be it enacted, That any Liquid containing or having mixed therewith Methylic Alcohol which shall have been purified or prepared for Distillation by means of Filtration, or any other Process which may free it or be intended to free it wholly or partially from any Flavour or Odour which might otherwise pertain to it, shall be deemed to be Low Wines for the Purpose of Distillation within the Meaning of the Laws of Excise relating to the distilling of Spirits; and every Person making,

Liquids containing purified Methylic Alcohol to be deemed Low Wines for distilling Purposes, and Persons distilling the same to be deemed Distillers.

making, preparing, or having in his Possession any such Low Wines, and having also a Still, shall be deemed to be a Distiller liable to the several Duties, Penalties, and Forfeitures imposed by Law on Distillers of Spirits.

Preparation of Methylic Alcohol for distilling Spirits to be carried on only in a licensed Distillery.

XXVIII. Methylic Alcohol which shall have undergone any such Process of Filtration or Purification as aforesaid shall be deemed to have been so prepared for the Purpose of distilling Spirits therefrom, and no Person other than a Person duly licensed as a Distiller of Spirits shall so prepare or purify any Methylic Alcohol, nor shall any such Process as aforesaid be commenced or carried on elsewhere than on Premises duly licensed as a Distillery, and of which, together with the Stills, Vessels, and Utensils to be used therein, due Entry shall have been made with the Officers of Excise, under Pain of such Penalties and Forfeitures and Liability to Seizure for any Breach of this Enactment as would or might be incurred by any Act done in contravention of the Third Section of the Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter One hundred and fourteen.

Rules and Regulations under which the distilling of Spirits from such Low Wines is to be carried on. Spirits to be chargeable with Excise Duty.

XXIX. The distilling of Spirits from any such Low Wines as aforesaid shall be carried on under and subject to the like Rules, Regulations, and Conditions as are prescribed by the Laws in force in relation to the distilling of Spirits, and the Spirits produced by such Distillation shall be deemed to be *British* Spirits chargeable with the Duties of Excise, and shall be subject to all the Laws, Provisions, and Regulations relating to *British* Spirits: Provided always, that where it shall be made to appear to the Commissioners of Inland Revenue that any of such Rules, Regulations, or Conditions are inapplicable to the making, preparing, or distilling of such Low Wines as aforesaid, or impose too great a Restriction on such Distillation, it shall be lawful for the said Commissioners to relax or dispense with any of such Rules, Regulations, or Conditions, and to frame others in lieu thereof for the Purpose of regulating and facilitating the Business of the said Distillation, and otherwise in relation thereto, as they shall see fit in that Behalf.

Stamp Duty of 6*d.* only on certain Contracts under Highway Acts.

XXX. No Contract to be made or entered into pursuant to the Highway Acts for or relating to the making, maintaining, or repairing of Highways shall be chargeable with any higher Stamp Duty than Sixpence.

CAP. XCVII.

CAP. XCVII.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.—[5*th* July 1865.]

CAP. XCVIII.

An Act to allow British *Compounded Spirits to be warehoused upon Drawback.*—[5*th* July 1865.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Compounded Spirits may be deposited in Customs or Excise Warehouses.

I. A licensed Rectifier or Compounder of Spirits may, under such Regulations as the Commissioners of Customs and Inland Revenue respectively may from Time to Time make, warehouse for Exportation, or for Ships Stores, or for Home Consumption, in any Customs or Excise Warehouse approved for that Purpose by the Commissioners of Customs or Commissioners of Inland Revenue, *British* Compounds as defined by Section One hundred and forty-eight of the Act passed in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and fourteen, and compounded by him from Spirits on which the Duties of Excise have been charged and paid, and the Strength of such Spirits as denoted by *Sykes*'s Hydrometer shall be deemed to be the true Strength thereof at the Time of Warehousing the same, and such Spirits, when so warehoused, may, upon Security being given by Bond to the Satisfaction of the Commissioners of Customs and Inland Revenue respectively, and under such Regulations as the said Commissioners respectively may from Time to Time make in that Behalf, be removed to and deposited in any other Warehouse of Customs or Excise approved as aforesaid: Provided always, that all compounded Spirits exported on Drawback under this Act shall on their Re-importation into the United Kingdom be deemed to be Foreign Spirits and chargeable with Duties of Importation accordingly.

II. A

Spirits of Wine may be deposited in Customs Warehouse for Exportation or Ships Stores.

II. A Rectifier of Spirits may, under such Regulations as the Commissioners of Customs and Inland Revenue respectively may from Time to Time make, warehouse for Exportation or for Ships Stores in any Customs Warehouse approved for that Purpose by the Commissioners of Customs at a Warehousing Port, Spirits of Wine which shall have been rectified by him from Spirits on which the Duties of Excise have been charged and paid, and such Spirits of Wine may, under such Regulations as the Commissioners of Customs shall appoint, be removed to any other approved Customs Warehouse at any other Warehousing Port for either of the Purposes aforesaid.

Strength of compounded Spirits to be deposited in Warehouse, and Regulations as to Casks, Certificates, &c.

III. Compounded Spirits to be warehoused as aforesaid shall be of a Strength not more than Eleven *per Centum* over Proof, and Spirits of Wine shall be of a Strength not less than Forty-three *per Centum* over Proof, as denoted by *Sykes*'s Hydrometer, and shall be contained respectively in Casks of not less than Nine Gallons Content, every Cask to be marked on each End thereof in Letters and Figures, legibly cut, branded, or painted with Oil Colour thereon, with the Name of the Rectifier or Compounder, or the Name of the Firm, or with the Mark of such Rectifier, Compounder, or Firm, the progressive Number of such Cask according to the Number of Casks warehoused, and the Year when the same was warehoused, and the full Content thereof in Gallons, and in Quarters of a Gallon when the Content thereof shall be less than Eighty Gallons, and with the true Number of Gallons, and the Denomination and Strength of the Spirits contained therein, and every such Cask being full, or on Ullage of One Gallon or Two Gallons, and not otherwise, at the Time of sending the same from the Premises of such Rectifier or Compounder to the Warehouse; and all such Spirits when removed from the said Premises for the Purpose of being warehoused shall be accompanied with a lawful Certificate, otherwise the same shall be forfeited, and the Rectifier or Compounder removing the same shall forfeit the Sum of Two hundred Pounds, over and above all other Penalties.

Entry to be made of Spirits deposited in Warehouse, and Officer to give Receipt for the same, and transmit Certificate to Collector of Ex-

IV. Before any Spirits shall be received into any Customs or Excise Warehouse, under the Provisions of this Act, the Rectifier or Compounder intending to deposit the same shall deliver to the proper Officer of Customs or Excise at such Warehouse a Warehousing Entry or a Note in Writing, specifying the Particulars of the Spirits as set forth in the Certificate accompanying the same, and the Name of the Rectifier or Compounder, and of the Place where the rectifying or compounding Premises are situated from which the Spirits were sent; and after the Spirits have been duly examined and warehoused by such Officer, he shall deliver to the Rectifier or Compounder a Receipt,

Receipt, specifying the Marks, Number, and Content in Gallons of the several Casks received into such Warehouse, the Strength (as denoted by *Sykes*'s Hydrometer) of the Spirits contained in the said Casks respectively, the Description of the Spirits, and the total Number of Gallons at Proof received with such Certificate; and such Officer shall forthwith despatch to the Collector of Excise of the Collection in which the rectifying or compounding Premises are situated a Certificate, setting forth the Name of the Rectifier or Compounder, and the Place where the rectifying or compounding Premises are situated, together with the other Particulars required to be inserted in such Receipt as aforesaid; and the Collector to whom such Certificate is sent shall, on receiving Three Days Notice in Writing of the Time when Payment is required, and upon Production to him of the Receipt before-mentioned, pay to the Rectifier or Compounder named in the Certificate, or to any Person authorized on his Behalf, a Drawback of the Duties of Excise on such Spirits at the Rate of Duty charged and paid thereon, computed at the Strength indicated by *Sykes*'s Hydrometer.

cise, who is to pay Drawback of Duty on the Spirits.

V. Compounded Spirits warehoused by a Rectifier or Compounder under the Provisions of this Act may be delivered for Home Consumption under the same Rules and Regulations and upon Payment of the same Duties of Excise as are now by Law applicable to and payable upon plain *British* Spirits on Delivery from Customs or Excise Warehouses for Home Consumption, computed at the Strength indicated by *Sykes*'s Hydrometer; and the Duties upon compounded Spirits delivered from any Warehouse of Customs shall be collected by the Officers of Customs, and accounted for and paid over in the same Manner as is now by Law directed in the Case of Duties on any other *British* Spirits delivered out of Customs Warehouses for Home Consumption.

Spirits warehoused under this Act may be delivered for Home Consumption in the same Manner as plain British Spirits.

VI. The Rates and Charges directed by the First Section of the Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter One hundred and ten, to be paid for every One hundred Pounds of Customs Duty payable on Goods (not being Tobacco) delivered for Home Consumption from any Warehouse in which the same have been deposited for the Security of the Duties of Customs, shall be charged and paid for and in respect of every One hundred Pounds of the Excise Duty which shall be payable upon the Delivery for Home Consumption of Spirits warehoused in any Customs or Excise Warehouse under the Provisions of this Act; provided that in the Case of a Delivery from an Excise Warehouse the same Rates and Charges shall be payable as would be payable if the Delivery had been from a Customs Warehouse situated at the same

Rates payable on Delivery of Spirits from Warehouse for Home Consumption.

same Place; and such Rates and Sums of Money shall be deemed to be Duties of Customs or Excise, according as the same shall become payable on Spirits delivered from a Customs or Excise Warehouse respectively.

Rectifier may add sweetening or colouring Matter to Spirits in Customs Warehouse for Exportation.

VII. A Rectifier or Compounder warehousing Spirits in a Customs Warehouse as aforesaid may, on giving One Day's Notice to the Officer in charge of such Warehouse, add to such Spirits any sweetening or colouring Matter, or any other Ingredient that he may think proper, subject nevertheless to such Regulations and Restrictions as the Commissioners of Customs may make from Time to Time: Provided always, that such Spirits, after any Matter or Ingredient has been added as aforesaid, shall not be removed to any other Warehouse, or be delivered out otherwise than for Exportation or Ships Stores, directly from the Warehouse, on board the Vessel in which the same are to be exported or used as Stores.

Spirits of Wine not to be delivered for Home Consumption, nor any Spirits unless upon Repayment of Allowances.

VIII. No Spirits of Wine upon which a Drawback of the Duties of Excise has been paid upon the Deposit of the same in a Customs Warehouse shall be delivered for Home Consumption; and no rectified or compounded Spirits which at the Time of the Commencement of this Act shall be in any Customs Warehouse shall be delivered for Home Consumption, unless the Rectifier or Compounder or Proprietor of such last-mentioned Spirits shall, in addition to the Duties payable upon compounded Spirits taken out of Warehouse for Home Consumption under the Provisions of this Act, repay to the Commissioners of Customs or Inland Revenue respectively the Allowance of Threepence *per* Gallon paid on the Deposit of such Spirits under the Statute in that Behalf.

Spirits deposited in Customs Warehouse under this Act may be used for fortifying Wines, &c.

IX. Any Spirits which shall have been deposited in a Customs Warehouse under the Provisions of this Act may be used in such Warehouse for fortifying Wines, or for any other Purpose to which Foreign or Colonial Spirits may be applied under the Laws or Regulations of the Customs.

Compounded Spirits may be vatted or bottled in Warehouse.

X. Compounded Spirits deposited in an Excise Warehouse under the Provisions of this Act may be vatted or racked under and subject to the same Conditions, Regulations, and Penalties as are contained in or authorized by Sections One hundred and nineteen and One hundred and twenty of the before-mentioned Act of the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter One hundred and fourteen, and in Sections Five and Six of the Act passed in the Twenty-seventh Year of the same Reign, Chapter Twelve, in relation to the Spirits mentioned in such Sections respectively; and any compounded Spirits deposited as aforesaid may be bottled, packed, and removed for Exportation, or for Use as Ship's Stores, under and

and subject to the same Conditions and Regulations as are contained in or authorized by the said last-mentioned Act.

Provisions of Acts relating to warehousing of British Spirits to apply to compounded Spirits warehoused under this Act.

XI. The Provisions, Penalties, and Forfeitures contained in and imposed by any Act in force at the Time of the Commencement of this Act, relating to the Removal, Warehousing, Custody, and Transfer in any Excise Warehouse of *British* Spirits, and to the Proprietor or Tenant of any such Warehouse for the Deposit of *British* Spirits, and to the Proprietor of any *British* Spirits deposited therein, (except so far as the same shall be repealed or altered by or be repugnant to the Provisions of this Act,) shall extend and be applied to the Removal, Warehousing, Custody, and Transfer in any Excise Warehouse of compounded Spirits and Spirits of Wine, and to the Proprietor or Tenant of any such Warehouse in which the same respectively shall be deposited, and to the Rectifier or Compounder warehousing such Spirits, who shall be deemed to be the Proprietor thereof; and any Bond entered into by the Proprietor or Tenant of any such Warehouse as aforesaid for the Deposit of *British* Spirits, and in force at the Time of the Commencement of this Act, shall extend to and shall be available for any Breach of the Condition thereof committed in relation to any compounded Spirits deposited in the Warehouse in respect of which such Bond shall have been given.

Allowance of 3d. per Gallon on British Compounds not to be paid until Exportation or Use in Customs Warehouse.

XII. The Allowance of Threepence *per* Gallon granted by Section Four of the Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter One hundred and twenty-nine, to any licensed Rectifier, in respect of rectified Spirits of the Nature of *British* Compounds not exceeding Eleven Degrees over Proof as ascertained by *Sykes*'s Hydrometer, shall be payable to any licensed Rectifier or Compounder in respect of any compounded Spirits deposited under the Provisions of this Act in any Warehouse of Customs or Excise, and exported to Foreign Parts, or used in a Customs Warehouse for fortifying Wines or for any other Purpose to which Foreign or Colonial Spirits may be applied under the Laws or Regulations of the Customs; but such Allowance shall not be paid until a Certificate from the proper Officer of Customs shall be produced to the Officer of Excise appointed to pay the said Allowance, that such Spirits have been actually exported or used as aforesaid.

Warehouses to be for public Accommodation and of approved Dimensions.

XIII. After the passing of this Act, no Warehouse for the Deposit of plain or compounded *British* Spirits shall be approved by the Commissioners of Customs or Inland Revenue, except for the general Accommodation of any Traders or others having Occasion to deposit Spirits therein, nor unless the said Commissioners of Customs or Inland Revenue shall be of opinion

opinion that the Dimensions of such Warehouse shall be sufficient for the Wants of the Town where it is situated.

Sections 141. to 145. inclusive of 23 & 24 Vict. c. 114. repealed.

XIV. Sections One hundred and forty-one, One hundred and forty-two, One hundred and forty-three, One hundred and forty-four, and One hundred and forty-five of the Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter One hundred and fourteen, shall be and the same are hereby repealed, except as to anything done or which ought to be done, or as to any Offence committed or any Penalty or Forfeiture incurred, before the Commencement of this Act.

CAP. XCIX.

An Act to confer on the County Courts a limited Jurisdiction in Equity.—[5*th* July 1865.] (England.)

CAP. C.

An Act to transfer from the Admiralty to the Board of Trade Powers and Duties relative to certain Harbours.—[5*th* July 1865.] (England.)

CAP. CI.

An Act for authorizing Transferable Debentures to be charged upon Land in Ireland.—[5*th* July 1865.]

CAP. CII.

An Act to amend an Act of the Twentieth and Twenty-first Years of Her Majesty, for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland, *and an Act of the Twenty-fourth Year of*

of Her Majesty, to amend the said Act.—[5*th* July 1865.]

WHEREAS an Act was passed in the Session of Parliament held in the Twentieth and Twenty-first Years of the Reign of Her present Majesty, intituled *An Act for the Abatement of the Nuisance arising from the Smoke of Furnaces in* Scotland: And whereas another Act was passed in the Twenty-fourth Year of the Reign of Her present Majesty, intituled *An Act to amend an Act of the Twentieth and Twenty-first Years of the Reign of Her Majesty, for the Abatement of the Nuisance arising from the Smoke of Furnaces in* Scotland: And whereas it is expedient that the same be amended, to the Effect after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

20 & 21 Vict. c. 73.

24 & 25 Vict. c. 17.

Interpretation of the Word "Place" in first-recited Act.

I. The Word "Place" in the said first-recited Act shall mean and include every Burgh and Town of *Scotland* which is not a Royal Burgh, provided the same comprehend a Population of not less than Two thousand, and shall include the whole Area contained within the Parliamentary or Police Limits or Boundaries thereof; and the said recited Acts shall extend and apply to every such Burgh and Town containing the foresaid Amount of Population in the same Manner and as fully in all respects as if such Burghs and Towns had been included in the Meaning of the Word "Place" in the said first-recited Act.

CAP. CIII.

An Act to provide for the Discontinuance of a separate Court of Quarter Sessions and a separate Gaol in the Borough of Falmouth.—[5*th* July 1865.]

CAP. CIV.

An Act to amend the Procedure and Practice in Crown Suits in the Court of Exchequer at Westminster; *and for other Purposes.*—[5*th* July 1865.]

CAP. CV.

An Act to continue the Poor Law Board for a limited Period.—[5*th* July 1865.] (England.)

CAP. CVI.

An Act to authorize Loans in aid of the Construction of Docks in British *Possessions.*—[5*th* July 1865.]

CAP. CVII.

An Act to continue certain Turnpike Acts in Great Britain.—[5*th* July 1865.]

WHEREAS it is expedient to continue for limited Times the Acts herein-after specified: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Continuance of Acts, except 7 G. 4. c. lxxxv. 7 G. 4. c. cxxv. 7 & 8 G. 4. c. vii. 9 G. 4. c. cviii. 1 W. 4. c. viii. 3 W. 4. c. liii. 3 W. 4. c. lxi. 3 & 4 W. 4. c. c. 2 Vict. c. xiv. 5 Vict. c. xlv.

I. The Acts mentioned in the Schedule to this Act annexed shall continue in force until the First Day of *November* One thousand eight hundred and sixty-six, and no longer, unless Parliament in the meantime continues the same; but every other Act now in force for regulating, making, amending, or repairing any Turnpike Road in *Great Britain* which will expire at or before the End of the next Session of Parliament shall continue in force until the First Day of *November* One thousand eight hundred and sixty-six and to the End of the then next Session of Parliament, except an Act of the Seventh Year of King *George* the Fourth, Chapter Eighty-five, "for "repairing the Roads from *Spalding High Bridge* to the "Market Place in *Donington*, and from the Tenth Milestone "in the Parish of *Gosbertown* to the Eighth Milestone in the "Parish of *Wigtoft* in the County of *Lincoln*;" an Act of the same Year, Chapter One hundred and twenty-five, "for more "effectually repairing and improving certain Roads in the "Counties

" Counties of *Kent* and *Surrey*, commonly called ' The *New* 6 & 7 Vict.
" ' *Cross* Turnpike Roads ' ;" an Act of the Seventh and Eighth c. cviii.
Years of King *George* the Fourth, Chapter Seven, " for more 13 & 14
" effectually repairing and improving the Roads from the Vict. c.
" North-west Parts of the County of *Lincoln*, through *Nettle-* lxxxv.
" *ham Fields*, *Wragby Lane*, and *Baumber Fields*, to the
" North-east Part of the said County, and other Roads therein
" described in the said County and in the City of *Lincoln* ;"
an Act of the Ninth Year of King *George* the Fourth, Chapter
One hundred and eight, " for repairing, improving, and main-
" taining in repair the Turnpike Roads from *Wat's Cross* to
" *Cowden*, and from *Sevenoaks Common* to *Crockhurst Hatch*
" *Corner*, and from *Penshurst Town* to *Southborough*, in the
" County of *Kent* ;" an Act of the First Year of King *William*
the Fourth, Chapter Eight, " for repairing the Road leading
" from *Dartford* to *Sevenoaks* in the County of *Kent* ;" an
Act of the Third Year of King *William* the Fourth, Chapter
Fifty-three, " for repairing and maintaining the Road from
" *Stone Street Hatch* at *Ockley* in the County of *Surrey* to
" *Warnham* in the County of *Sussex* ;" an Act of the same
Year, Chapter Sixty-one, " for repairing and improving the
" Road between the Towns of *Ross* and *Abergavenny*, by
" *Broad Oak* and *Skenfrith*, and certain Roads connected
" therewith leading to *Grosmont* and other Places, and for
" making and maintaining certain Branches of Road to com-
" municate therewith, all in the Counties of *Hereford* and
" *Monmouth* ;" an Act of the Third and Fourth Years of
King *William* the Fourth, Chapter One hundred, " for con-
" tinuing certain Powers to the Trustees of the Road from
" *Kentish Town* to *Upper Holloway* in the County of *Mid-*
" *dlesex* ;" an Act of the Second Year of Her present Majesty,
Chapter Fourteen, " to extend, alter, and amend the Powers
" and Provisions of an Act passed in the Seventh Year of the
" Reign of his late Majesty King *George* the Fourth, relating
" to the *New Cross* Turnpike Roads in the Counties of *Kent*
" and *Surrey* ;" an Act of the Fifth Year of Her present
Majesty, Chapter Forty-five, " to alter some of the Provisions
" of an Act passed in the Seventh Year of the Reign of King
" *George* the Fourth, relating to the *New Cross* Turnpike
" Roads in the Counties of *Kent* and *Surrey* ;" an Act of the
Sixth and Seventh Years of Her present Majesty, Chapter One
hundred and eight, " for more effectually repairing certain
" Roads in the Parishes of *Bermondsey*, *Rotherhithe*, and
" *Saint Paul* and *Saint Nicholas Deptford*, and for making
" several new Roads connected therewith, all in the Counties of
" *Surrey* and *Kent* ;" and an Act of the Thirteenth and
Fourteenth

Fourteenth Years of Her present Majesty, Chapter Eighty-five, "for repairing the Road leading from a certain Point in "the *Kennington Road* in the Parish of *Saint Mary Lambeth* "in the County of *Surrey* to *Highgate* in the County of "*Sussex*, and thence to *Witchcross* in the same County, and "several other Roads therein mentioned."

Application of Sects. 118. and 124. of 3 G. 4. c. 126. to Turnpike Roads that have become ordinary Highways.

II. The Sections relating to Encroachments on Turnpike Roads contained in the Act of the Third Year of King *George* the Fourth, Chapter One hundred and Twenty-six, and numbered respectively One hundred and eighteen and One hundred and twenty-four, shall continue in force in relation to any Road which, having been a Turnpike Road, may, at any Time after the passing of this Act, become an ordinary Highway, in the same Manner as if such Road had continued to be a Turnpike Road; and in the Construction of the said Section the Highway Board shall be deemed to be the Trustees or Commissioners where the Road is within the Jurisdiction of a Highway Board, and in other Cases the Surveyor or other local Authority having the Care of the Road shall be deemed to be such Trustees or Commissioners.

Meetings of Trustees or Commissioners.

III. It shall be the Duty of the Trustees or Commissioners of a Turnpike Road that is about to become or has become an ordinary Highway to hold such Meetings as may be necessary for the complete winding-up of the Affairs of their Trust or Commission, and any such Meeting shall be legal if held at any Time within Two Months after the Time limited for the Expiration of their Trust or Commission.

Short Title.

IV. This Act may be cited for all Purposes as "The Annual "Turnpike Acts Continuance Act, 1865."

[*None of the* Acts *mentioned in the Schedule annexed to this Act apply to Scotland.*]

CAP. CVIII.

An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," *relating to the Districts of* Nottingham, Rusholme, Plymouth, Redcar, Cardiff, Kingston-upon-Hull, Guildford, Ramsgate, Ryde, Workington, *and* Oxford, *and for other Purposes relative to certain Districts under the said Act.*—[5*th* July 1865.]

CAP. CIX.

An Act for transferring the Ulster *Canal to the Commissioners of Public Works in* Ireland.—[5*th* July 1865.]

CAP. CX.

An Act to confirm a certain Provisional Order under "The Local Government Act, 1858," *relating to the* Hastings *District.*—[5*th* July 1865.]

CAP. CXI.

An Act to regulate the Disposal of Money and Effects under the Control of the Admiralty, belonging to deceased Officers, Seamen, and Marines of the Royal Navy and Marines, and other Persons.—[5*th* July 1865.]

CAP. CXII.

An Act to repeal Enactments relating to Powers of the Commissioners of the Admiralty, and to various Matters under the Control of the Admiralty. —[5*th* July 1865.]

CAP. CXIII.

An Act to authorize the Payment of Retiring Pensions to Colonial Governors.—[5*th* July 1865.]

CAP. CXIV.

An Act for confirming, with Amendments, certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, *relating to* Eastbourne, Clevedon, Herne Bay, Llandrillo, *and* Pensarn.—[*5th* July 1865.]

CAP. CXV.

An Act to amend The Naval Discipline Act, 1864.—[*5th* July 1865.]

CAP. CXVI.

An Act to explain The Foreign Jurisdiction Act.—[*5th* July 1865.]

CAP. CXVII.

An Act to regulate the Appointment of a Vicar or Incumbent to the Vicarage of the Parish Church of Rochdale *in the County of* Lancaster *and in the Diocese of* Manchester.—[*5th* July 1865.]

CAP. CXVIII.

An Act to continue and amend The Peace Preservation (Ireland) *Act,* 1856.—[*5th* July 1865.]

CAP. CXIX.

An Act for continuing various expiring Acts.—[*5th* July 1865.]

WHEREAS the several Acts mentioned in the First Column of the Schedule hereto are wholly, or as to certain Provisions thereof, limited to expire at the Times specified in respect of such Acts in the Fourth Column of the said Schedule: And whereas it is expedient to continue such Acts, in so far as they are temporary in their Duration, for the Times mentioned in respect of such Acts respectively in the Fifth Column of the said Schedule: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as the "Expiring Laws Continuance Act, 1865."

Continuance of Acts in Schedule.

II. The Acts mentioned in Column One of the said Schedule, and the Acts, if any, amending the same, shall, in so far as such Acts or any Provisions thereof are temporary in their Duration, be continued until the Times respectively specified in respect of such Acts in the Fifth Column of the said Schedule.

SCHE-

SCHEDULE.

1. Original Acts.	2. Amending Acts.	3. How far temporary.	4. Time of Expiration of temporary Provisions.	5. Continued until
3 & 4 Vict. c 89. Poor Rates, Stock in Trade Exemption.	. .	Whole Act.	1st October 1865, and End of then next Session. (26 & 27 Vict. c. 95.)	1st October 1866, and End of then next Session.
4 & 5 Vict. c. 59. Application of Highway Rates to Turnpike Roads.	. .	Whole Act.	1st October 1865, and End of then next Session. (23 & 24 Vict. c. 67.)	1st October 1870, and End of then next Session.
10 Vict. c. 32. Landed Property Improvement (Ireland).	13 & 14 Vict. c. 31.	As to Powers of Commissioners.	1st January 1865, and End of then next Session. (26 & 27 Vict. c. 95.)	1st January 1866, and End of then next Session.
10 & 11 Vict. c. 90. Poor Laws (Ireland).	14 & 15 Vict. c. 68.	As to Appointment of Commissioners, &c.	23d July 1865, and End of then next Session. (27 & 28 Vict. c. 84.)	23d July 1866, and End of then next Session.
10 & 11 Vict. c. 98. Ecclesiastical Jurisdiction.	. .	As to Provisions continued by 21 & 22 Vict. c. 50.	1st August 1865, and End of then next Session. (27 & 28 Vict. c. 84.)	1st August 1867, and End of then next Session.
11 & 12 Vict. c. 32. County Cess (Ireland).	20 & 21 Vict. c. 7.	Whole Act.	1st August 1865, and End of then next Session. (27 & 28 Vict. c. 84.)	1st August 1866, and End of then next Session.
11 & 12 Vict. c. 107. Sheep and Cattle diseased.	16 & 17 Vict. c. 62.	Whole Act.	1st August 1865, and End of then next Session. (27 & 28 Vict. c. 84.)	1st August 1866, and End of then next Session.
14 & 15 Vict. c. 104. Episcopal and Capitular Estates Management.	17 & 18 Vict. c. 116. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124.	Whole Act.	1st January 1865, and End of then next Session. (27 & 28 Vict. c. 84.)	1st January 1866, and End of then next Session.

1. Original Acts.	2. Amending Acts.	3. How far temporary.	4. Time of Expiration of temporary Provisions.	5. Continued until
17 & 18 Vict. c. 117. Incumbered Estates (West Indies).	21 & 22 Vict. c. 96. 25 & 26 Vict. c. 45. 27 & 28 Vict. c. 108.	As to Appointment of Commissioners.	2d August 1865. (27 & 28 Vict. c. 84.)	2d August 1867, and End of then next Session.
24 & 25 Vict. c. 109. Salmon Fishery (England) Act.	. .	As to Appointment of Inspectors, s. 31.	1st October 1865. (27 & 28 Vict. c. 84.)	1st October 1866, and End of then next Session.
25 & 26 Vict. c. 97. Salmon Fisheries (Scotland) Act.	26 & 27 Vict. c. 50. 27 & 28 Vict. c. 118.	As to Powers of Commissioners, &c.	1st January 1866.	1st January 1867.
26 & 27 Vict. c. 114. Salmon Fisheries (Ireland).	. .	As to Duration of Office of the Special Commissioners for Irish Fisheries, and all Powers, Rights, and Privileges pertaining thereto.	28th July 1865, and End of then next Session.	28th July 1866, and End of then next Session.
27 & 28 Vict. c. 92. Public Schools.	. .	Whole Act.	1st August 1865.	1st August 1866.

CAP. CXX.

An Act to amend the Acts relating to the Preservation and Improvement of Harwich *Harbour.*—[5*th* July 1865.]

CAP. CXXI.

CAP. CXXI.

An Act to amend "The Salmon Fishery Act, 1861." —[5*th* July 1865.] (England.)

CAP. CXXII.

An Act to amend the Law as to the Subscriptions and Declarations to be made and Oaths to be taken by the Clergy of the Established Church of England *and* Ireland.—[5*th* July 1865.]

CAP. CXXIII.

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year ending Thirty-first March *One thousand eight hundred and sixty-six, and to appropriate the Supplies granted in this Session of Parliament.*—[6*th* July 1865.]

CAP. CXXIV.

An Act for consolidating certain Enactments relating to the Admiralty.—[6*th* July 1865.]

CAP. CXXV.

An Act for the Regulation of Dockyard Ports.—[6*th* July 1865.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited as The Dockyard Ports Regulation Act, 1865.

Interpretation of Terms.

II. In this Act—

The Term "Dockyard Port" means any Port, Harbour, Haven, Roadstead, Sound, Channel, Creek, Bay, or navigable River of the United Kingdom in, on, or near to which Her Majesty now or at any Time hereafter has any Dock, Dockyard, Steam Factory Yard, Victualling Yard, Arsenal, Wharf, or Mooring:

The Term "Vessel" includes Ship, Boat, Lighter, and Craft of every Kind, however propelled:

The Term "Master" applied to a Vessel means the Person having the Command or Charge of the Vessel for the Time being:

The Term "Justice" and the term "Magistrate" respectively mean a Justice of the Peace and a Magistrate acting for the Place where the Matter requiring the Cognizance of a Justice or Magistrate arises:

The Term "Sheriff" means the Sheriff Depute of the County or Ward of a County in *Scotland*, and the Steward Depute of the Stewartry in *Scotland* in which the Matter submitted to the Cognizance of the Sheriff arises, and includes the Substitute of a Sheriff or Steward Depute:

The Term "the Admiralty" means the Lord High Admiral of the United Kingdom or the Commissioners for executing the Office of Lord High Admiral.

Power to define Limits.

III. It shall be lawful for Her Majesty in Council, from Time to Time, by Order in Council, to define the Limits of a Dockyard Port for the Purposes of this Act.

Appointment of Queen's Harbour Masters.

IV. The Admiralty may from Time to Time appoint for each Dockyard Port a fit Person to superintend the Execution of this Act, and otherwise to protect the Port, to be called the Queen's Harbour Master for the respective Port.

Port Regulations to be made by Orders in Council.

V. In relation to any Dockyard Port it shall be lawful for Her Majesty in Council, from Time to Time, by Order in Council, to make Regulations for all or any of the following Purposes; namely,

To prohibit the mooring or anchoring of Vessels so as to obstruct Navigation into, in, or out of the Port:

To appropriate any Space as a Mooring Place or Anchoring Ground for the exclusive Use of Her Majesty's Vessels, but not so as to authorize any User of such Space in

in such Manner as to obstruct Navigation into, in, or out of the Port:

To prohibit or restrict the having of Gunpowder and the having or discharging of shotted or loaded Guns on board any Vessel in any specified Part of the Port, and to regulate the loading and unloading of Gunpowder in the Port:

To restrict the Use of Fire and Light, and the having of Tar, Oil, or other combustible Substances on board any Vessel, in any specified Part of the Port:

To prohibit the navigating of Steam Vessels at a greater than a specified Speed in any specified Part of the Port:

To require the Presence of at least One Person at all Hours of the Day and Night on board every Vessel above a specified Size moored, anchored, or placed in any specified Part of the Port:

To prohibit or regulate the breaming of Vessels in any specified Part of the Port:

And for such other Purposes as from Time to Time seem necessary with a view to the proper Protection of Her Majesty's Vessels, Dockyards, or Property, or to the Requirements of Her Majesty's Naval Service.

Penalties in such Orders.

VI. Any such Order in Council may impose such reasonable Penalties as seem fit, not exceeding for any Offence Ten Pounds; but any Provision imposing a Penalty shall be so framed that Part only of the Penalty may be ordered to be paid.

Orders in Council to be made as to Lights, Prevention of Collision, &c., with Concurrence of Board of Trade.

VII. In relation to any Dockyard Port it shall be lawful for Her Majesty in Council, from Time to Time, by Order in Council, on the joint Recommendation of the Admiralty and the Board of Trade, to make Rules concerning the Lights or Signals to be carried or used, and the Steps for avoiding Collision to be taken by Her Majesty's Vessels and other Vessels navigating the Waters of the Port and of the Approaches thereto; and such Rules shall, with respect to Her Majesty's Vessels and other Vessels navigating those Waters, have the same effect as if they had been Regulations originally contained in Table (C.) in the Schedule to The Merchant Shipping Act Amendment Act, 1862, or were Regulations duly substituted for the same, and as if such original or substituted Regulations applied to Her Majesty's Vessels as well as to other Vessels.

25 & 26 Vict. c. 63.

As to the printing and Sale of Orders.

VIII. The Admiralty shall cause printed Copies of every Order in Council under this Act relative to any Dockyard Port to be provided, and to be sold at a reasonable Price, to be fixed by the Admiralty, to all Persons desirous of buying the same.

IX. Every

IX. Every Order in Council under this Act shall be published in the *London Gazette*, and shall be made to take effect not sooner than the Expiration of Thirty Days from such Publication; and a Copy of the *London Gazette* containing any such Order shall be conclusive Evidence of the due making and Publication of such Order; and every such Order shall be judicially noticed without being specially pleaded. Publication of Orders.

X. Every Order in Council under this Act shall be binding on all Persons, and shall be sufficient to justify all Persons acting thereunder. Effect of Order.

XI. If the Master of any Vessel within a Dockyard Port does not moor, anchor, place, unmoor, or remove the same according to Directions given by the Queen's Harbour Master in conformity with any Order in Council under this Act, or if there is no Person on board of any such Vessel to attend to such Directions, the Queen's Harbour Master may cause the Vessel to be moored, anchored, placed, unmoored, or removed in conformity with the Order in Council, and for that Purpose may cast off, loose, or unshackle, and (if need be) sever any Chain or Rope of the Vessel, first putting on board a sufficient Number of Persons for the Protection of the Vessel in case there is not a sufficient Number of Persons on board to protect the same; and all Expenses attending the Exercise of the Powers of the present Section shall be paid by the Master of the Vessel. Power for Queen's Harbour Master to unmoor Vessels, &c.

XII. The Queen's Harbour Master, or any Person having Authority in Writing from the Admiralty in this Behalf, may, with proper Assistants, enter into any Vessel in a Dockyard Port, and there search for Gunpowder, shotted or loaded Guns, Fire, or Light, or combustible Substances had or suspected to be had on board in contravention of any Order in Council under this Act, and may extinguish any such Fire or Light; and if any Person wilfully obstructs the Queen's Harbour Master or other Person in the Execution of the Authority conferred by this Section he shall for each Offence be liable to a Penalty not exceeding Ten Pounds. Power to search, &c.

XIII. The Queen's Harbour Master may remove any Wreck or other Thing being an Obstruction to the Dockyard Port or to the Approaches thereto, and any floating Timber that impedes the Navigation thereof. Power to remove Wreck, &c.

XIV. Any Vessel laid by or neglected as unfit for Sea Service shall not be permitted to lie within any Part of a Dockyard Port specified in this Behalf in any Order in Council under this Act; and the Queen's Harbour Master may cause every such Vessel to be removed from the Part of the Port so specified, and to be laid on some Part of the Strand or Sea Shore, or in Power to remove unserviceable Vessels.

in some other Place where the same may without Injury to any Person be placed.

Recovery of Expenses of Removal of Wreck, &c.

XV. The Expenses incurred by the Queen's Harbour Master in the Removal of any such Wreck or other Thing or Timber, or in the Removal or placing of any such Vessel, shall be repaid by the Owner thereof; and the Queen's Harbour Master may detain, and in case of Nonpayment of the Expenses, on Demand, may sell the Wreck or other Thing, Timber or Vessel, and out of the Proceeds of the Sale pay those Expenses and the Expenses of the Sale, rendering the Surplus (if any) to the Owner, on Demand; and any Deficiency may be recovered from the Owner.

Recovery of Expenses by Owner from Master, &c.

XVI. If the Owner of any Vessel or Thing is in any Case compelled to pay any Penalty, Expenses, Sum of Money, or Costs, by reason of any Act or Omission of the Master of a Vessel or other Person, he shall be entitled to recover the Amount paid by him, with Costs, from the Person who actually committed the Offence or did the wrongful Act in respect whereof the Owner was compelled to make such Payment.

Summary Proceedings for Penalties, &c.

XVII. Penalties, Expenses, and Sums of Money made recoverable by this Act, or by any Order in Council under it, may be recovered by summary Proceedings in *England* or in *Ireland* before a Justice, and in *Scotland* before a Sheriff, Justice, or Magistrate.

Application of Penalties.

XVIII. Penalties, Expenses, and Sums of Money recovered as aforesaid, except when recovered by an Owner from a Master or other Person, shall be paid into the Receipt of Her Majesty's Exchequer in such Manner as the Commissioners of Her Majesty's Treasury from Time to Time direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Penalties, &c. may be raised by Sale of Vessel.

XIX. Where any Justice, Sheriff, or Magistrate, by virtue of this Act or any Order in Council under it, makes an Order directing Payment of any Penalty, Expenses, or Sum of Money by the Master or Owner of a Vessel, and Payment is not duly made, the Justice, Sheriff, or Magistrate who made the Order, or any other Justice, Sheriff, or Magistrate having the same Jurisdiction, may (in addition to any Power which he may have for the Purpose of compelling Payment) direct the Amount unpaid to be levied by Distress or Poinding and Sale of the Vessel, her Tackle, Furniture, and Apparel, or of any Part thereof.

Service of Summons.

XX. Any Summons or other Document in any Proceeding on this Act or any Order in Council under it may (in addition to any other Mode of Service) be served by being left for the Person to be served on board any Vessel to which he belongs with

with the Person being or appearing to be in command or charge of the Vessel.

Local Jurisdiction.

XXI. For the Purpose of giving Jurisdiction, every Offence against this Act or any Order in Council under it shall be deemed to have been committed, and every Cause of Complaint shall be deemed to have arisen, either in the Place in which the same actually was committed or arose, or in any Place in which the Offender or Person complained against happens to be.

Jurisdiction of Justice of the Peace.

XXII. Where any District within which any Justice, Sheriff, or Magistrate has Jurisdiction for any Purpose under this or any other Act, or at Common Law, abuts on the Shore of the Sea or other navigable Water, every such Justice, Sheriff, or Magistrate shall for the Purposes of this Act have Jurisdiction over any Vessel being or passing near the Shore, and over every Person on board thereof or belonging thereto, as if such Vessel or Person was within the ordinary Limits of the Jurisdiction of the Justice, Sheriff, or Magistrate.

Saving for Right of Property, &c.

XXIII. Nothing in this Act shall prejudice, take away, abridge, or alter any Right of Property, Privilege, or Jurisdiction, or any Powers of Conservancy, held, possessed, enjoyed, or exercised by any Body or Person in, to, upon, or over any Part of a Dockyard Port, or of the Shores and Banks thereof.

Limitation of Actions, &c.

XXIV. Any Action or Proceeding shall not lie against any Queen's Harbour Master or other Person acting under the Authority or in the Execution or intended Execution or in pursuance of this Act, or of any Order in Council under it, for any alleged Irregularity or Trespass or other Act or Thing done or omitted by him, unless Notice in Writing (specifying the Cause of the Action or Proceeding) is given by the intending Plaintiff or Prosecutor to the intended Defendant One Month at least before the Commencement of the Action or Proceeding, nor unless the Action or Proceeding is commenced within Six Months next after the Act or Thing complained of is done or omitted, or, in case of a Continuation or Damage, within Six Months next after the doing of such Damage has ceased.

In any such Action the Defendant may plead generally that the Act or Thing complained of was done or omitted by him when acting under the Authority or in the Execution or intended Execution or in pursuance of this Act, or of any such Order in Council (specifying it), and may give all special Matter in Evidence; and the Plaintiff shall not succeed if Tender of sufficent Amends is made by the Defendant before the Commencement of the Action; and in case no Tender is made the Defendant may, by Leave of the Court in which the Action is brought, at any Time pay into Court such Sum of Money as he thinks fit, whereupon such Proceeding and Order shall be had and

and made in and by the Court as may be had and made on the Payment of Money into Court in an ordinary Action; and if the Plaintiff does not succeed in the Action the Defendant shall receive such full and reasonable Indemnity as to all Costs, Charges, and Expenses incurred in and about the Action as may be taxed and allowed by the proper Officer, subject to Review; and though a Verdict is given for the Plaintiff in the Action he shall not have Costs against the Defendant unless the Judge before whom the Trial is had certifies his Approval of the Action.

Commencement of Act.

XXV. This Act shall commence on such Day, not later than the First Day of *January* One thousand eight hundred and sixty-six, as Her Majesty in Council thinks fit to direct; save that any Order in Council may be made before that Day, so as it be not made to take effect before that Day.

Orders in Council to be laid before Houses of Parliament.

XXVI. Every Order in Council under this Act shall be laid before both Houses of Parliament within Thirty Days after the making thereof if Parliament is then sitting, and if not then within Thirty Days after the next meeting of Parliament.

CAP. CXXVI.

An Act to consolidate and amend the Law relating to Prisons.—[6*th* July 1865.]

§ 3. This Act shall not extend to *Scotland* or *Ireland*, and shall not apply to the Prisons for Convicts under the Superintendence of the Directors of Convict Prisons, or to any Military or Naval Prison.

CAP. CXXVII.

An Act to amend the Law relating to small Penalties.—[6*th* July 1865.]

§ 8. This Act shall extend to *England* only.

LOCAL

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

Passed in the SEVENTH Session of the EIGHTEENTH Parliament of the United Kingdom of *Great Britain* and *Ireland*.

28° & 29° VICT.

i. AN Act to enable the *Colne Valley and Halstead* Railway Company to increase their Capital.

ii. An Act to regulate the Mode of Valuation of the underground Pipes or Works in the City of *Glasgow* belonging to the City and Suburban Gas Company of *Glasgow*, for the Purpose of Assessment under "The *Glasgow* Police Act, 1862."

iii. An Act to enable the Metropolitan Board of Works to open a new Street in *Whitechapel*, and to remove *Middle Row*, *Holborn*, all in the County of *Middlesex*.

iv. An Act to reduce the Capital and Borrowing Powers of the *Mistley, Thorpe, and Walton* Railway Company; and for other Purposes.

v. An Act to confer further Powers upon the *Brighton, Hove, and Preston* Constant Service Waterworks Company.

vi. An Act to enable the *Rossendale Union* Gas Company to raise additional Capital.

vii. An Act to dissolve the Union subsisting between the Visitors of the Lunatic Asylum for the Counties of *Leicester* and *Rutland* and the Corporation of the Borough of *Leicester*, for the Admission of Lunatic Paupers from the said Borough into the said Asylum, and to empower the said Corporation to provide a separate Asylum; and to authorize the Corporation to establish a Market for the Sale of Hay and other Commodities, in lieu of the existing Market; and to extend the Powers of the said Corporation with respect to Streets in the said Borough; and for other Purposes.

viii. An Act for making an Embankment on the South Shore of the River *Shannon* near to the City of *Limerick;* and for other Purposes.

ix. An

ix. An Act for authorizing the Local Board for the District of the Borough of *Oswestry* and the Liberties thereof to provide a better Supply of Water to the District, and to complete the Sewerage of the District, and to dispose of the Sewage for Irrigation; and for other Purposes.

x. An Act to repeal an Act for making, repairing, and improving certain Roads leading to and from *Helston* in the County of *Cornwall*, and to make other Provisions in lieu thereof; and for other Purposes.

xi. An Act to enable the *Ramsbottom* Gas Company to raise additional Capital.

xii. An Act to authorize the Mayor, Aldermen, and Burgesses of the Borough of *Bolton* to construct an Aqueduct and other Works in connexion with the intended *Wayoh* Reservoir; and to make further Provisions for the Regulation of the Borough.

xiii. An Act for better supplying with Gas the Inhabitants of *Redhill* and of certain Places in the Neighbourhood thereof in the County of *Surrey*.

xiv. An Act to enable the *South Metropolitan* Gaslight and Coke Company to purchase additional Lands; to remove a Church in the Neighbourhood of their Works; and for other Purposes relating to the Company.

xv. An Act for more effectually lighting *Folkestone* and its Neighbourhood with Gas.

xvi. An Act to incorporate the *Banbury* Water Company (Limited), and to make further Provision for the Supply of Water to the Town of *Banbury* and the Neighbourhood thereof.

xvii. An Act for better supplying with Water the Town of *Luton* in the County of *Bedford*.

xviii. An Act to enable the *Athenry and Ennis Junction* Railway Company to raise additional Capital; and for other Purposes.

xix. An Act to authorize the Construction of a Railway from *Poole* to *Bournemouth*.

xx. An Act to authorize the Construction of new and widening and altering of existing Streets and other Works and Improvements in the Borough of *Liverpool*; and for other Purposes.

xxi. An Act to vest in the *Lancashire and Yorkshire* Railway Company and the *Lancashire Union* Railways Company jointly certain Portions of Railway near *Blackburn*.

xxii. An Act to authorize the widening of the *Blackpool* Branch of the *Preston and Wyre* Railway; and for other Purposes.

xxiii. An Act to incorporate a Company for making a Railway to be called the *Luddenden Valley* Railway; to authorize working and other Arrangements with the *Lancashire and Yorkshire*

Yorkshire Railway Company; to enable that Company to subscribe Capital; and for other Purposes.

xxiv. An Act for incorporating the *Fareham* Gas and Coke Company; for the increase and Regulation of their Capital; and for other Purposes.

xxv. An Act to extend the Limits within which the *Bath* Gaslight and and Coke Company are authorized to supply Gas, and to enable the Company to construct a Railway or Tramway, to erect additional Works, to raise further Capital; and for other Purposes.

xxvi. An Act for granting further Powers to the *Bristol* Waterworks Company, and for the Amendment of their existing Act.

xxvii. An Act for the Improvement and Regulation of the proposed new Town of *West Worthing* in the Parish of *Heene* in the County of *Sussex*.

xxviii. An Act to incorporate the *Exmouth* Gas, Coke, and Water Company (Limited), and to make further Provision for lighting the Town of *Exmouth* and certain neighbouring Places with Gas.

xxix. An Act to enable the *Shrewsbury and North Wales* Railway Company to raise further Sums, and to divide their Shares, and to make Deviations and Alterations in their authorized Line of Railway; and for other Purposes.

xxx. An Act to amend the Acts relating to the *East and West India* Dock Company.

xxxi. An Act to authorize the *Metropolitan and Saint John's Wood* Railway Company to extend their Railway to *Hampstead;* and for other Purposes.

xxxii. An Act to enable "The *Crystal Palace District* Gas Company" to raise additional Capital.

xxxiii. An Act to enable the Corporation of *Bristol* to improve the River *Avon* and the Docks of *Bristol*.

xxxiv. An Act for better supplying with Water the Borough of *Saint Alban* and the Parishes and Places of *Saint Albans, Saint Peter, Saint Michael, Saint Stephen,* and *Saundridge,* all in the County of *Hertford*.

xxxv. An Act for enabling the *Tyldesley with Shakerley* Local Board to supply Gas in their District, and in adjoining Places; and for other Purposes.

xxxvi. An Act to confer further Powers upon the *Chesterfield* Waterworks and Gaslight Company.

xxxvii. An Act to authorize the *Carmarthen and Cardigan* Railway Company to form into separate Capitals the Capitals authorized to be raised by the *Carmarthen and Cardigan* Railway Acts, 1862 and 1863; and to extend the Times granted

granted by the said Acts for the Purchase of Lands and Execution of Works.

xxxviii. An Act for the Supply of the City of *Winchester* and its Neighbourhood with Water and with Gas, and for incorporating into One Company The *Winchester* Waterworks Company (Limited) and The *Winchester* Gaslight and Coke Company.

xxxix. An Act for conferring further Powers on the *Lostwithiel and Fowey* Railway Company in relation to their Capital, and for other Purposes.

xl. An Act to define the Capital of the *Midland Great Western* Railway of *Ireland* Company; to enable the Company to create Preference Shares; and for other Purposes.

xli. An Act for enabling the *Buckfastleigh, Totnes, and South Devon* Railway Company to extend their Railway to *Ashburton;* and for other Purposes.

xlii. An Act to confirm an Agreement between the *Bristol and Exeter* Railway Company and the *Devon and Somerset* Railway Company; and for other Purposes.

xliii. An Act to enable the *Great Southern and Western* Railway Company to create Debenture Stock.

xliv. An Act to enable the *Kington and Eardisley* Railway Company to divide their Shares, and for other Purposes.

xlv. An Act to grant further Powers to the *Stafford and Uttoxeter* Railway Company.

xlvi. An Act for enabling the Corporation for preserving and improving the Port of *Dublin* to lay down and maintain Tramways on the Quays and elsewhere at *Dublin;* for amending the Acts relating to the Corporation; and for other Purposes.

xlvii. An Act for better supplying with Water the Inhabitants of the Townships of *Runcorn, Weston,* and *Halton,* in the Parish of *Runcorn* in the County of *Chester.*

xlviii. An Act to empower the *Glasgow and South-western* Railway Company to contribute Funds towards and hold Shares in the Undertaking of the City of *Glasgow Union* Railway Company; and for other Purposes.

xlix. An Act for incorporating the *Rastrick* Gas Company, Limited, and extending their Powers; and for other Purposes.

l. An Act to enable the *London, Brighton, and South Coast* Railway Company to make new Railways from *Saint Leonards* to their *Ouse Valley* and *Tunbridge Wells* and *Eastbourne* Lines, and Deviations in those Lines; and for other Purposes.

li. An Act for the Construction of Railways to connect, by means of the *Thames Tunnel,* certain Railways on the *Surrey* Side

Side of the River *Thames*, with certain Railways on the *Middlesex* Side of the said River, to be called "The *East London* Railway;" and for other Purposes.

lii. An Act for incorporating and granting other Powers to "The *Birstal* Gaslight Company."

liii. An Act to enable the *Bodmin* Railway Company to extend their Railway to the *Bodmin and Wadebridge* Railway; to raise further Monies; and for other Purposes.

liv. An Act to incorporate a Company for better supplying with Gas *Littleborough* in the Parish of *Rochdale* in the County of *Lancaster*, and the Neighbourhood thereof; and for other Purposes.

lv. An Act for better lighting with Gas the District of *Brierley Hill*, and certain Parishes and Places adjacent thereto, in the Counties of *Stafford* and *Worcester*.

lvi. An Act to authorize the *Newport Pagnell* Railway Company to extend their Railway to *Olney* in the County of *Bucks*.

lvii. An Act to re-constitute the *Preston* Gas Company; to authorize them to raise further Monies; and for other Purposes.

lviii. An Act to amend an Act for building a new Chapel upon *Portsmouth Common* in the Parish of *Portsea* in the County of *Southampton;* and for other Purposes.

lix. An Act to amend the "*Galway* Commissioners Waterworks Act, 1863."

lx. An Act to transfer the Statute Labour Roads in the Burgh of *Dundee* to the Commissioners of Police of the said Burgh, and to provide for the Management and Maintenance of the said Roads.

lxi. An Act to incorporate a Company for making a Railway from the *Darlington* and *Barnard Castle* Branch of the *North-eastern* Railway near *Gainford* in the County of *Durham* to *Forcett* in the North Riding of the County of *York;* to authorize Working and other Arrangements with the *North-eastern* Railway Company; and for other Purposes.

lxii. An Act to authorize the *Great Eastern* Railway Company to make a Railway from their *Saint Ives and March* Railway at *Somersham* to the *Ramsey* Railway at *Ramsey* in the County of *Huntingdon*.

lxiii. An Act for consolidating and amending the Acts relating to Markets and Slaughter-houses in *Glasgow*, and for other Purposes.

lxiv. An Act to incorporate the *Gosport* Gas and Coke Company, and to make further Provision for lighting with Gas the

the Town of *Gosport* and certain Parishes and Places in the Neighbourhood thereof; and for other Purposes.

lxv. An Act to enable the Local Board of Health for the District of the Borough of *Llanelly* to construct Waterworks, and supply their District and adjoining Places with Water; and for other Purposes.

lxvi. An Act to enable the *London, Brighton, and South Coast* Railway Company to make short Junction Railways to connect their existing and authorized Railways in the County of *Surrey*, and to acquire additional Lands; and for other Purposes.

lxvii. An Act to restore the Exemption of Goods loaded or unloaded on the Lands or Docks of *Robert Vyner* Esquire, Part of and adjoining to the Great Float at *Birkenhead*, from the Payment of Dock Rates on Goods to the *Mersey* Docks and Harbour Board.

lxviii. An Act to enable the *Whitehaven Junction* Railway Company to enlarge their Station Accommodation at *Whitehaven;* to raise a further Sum of Money; and for other Purposes.

lxix. An Act to authorize the Commissioners of the *Glasgow* Corporation Waterworks to construct a Bridge for carrying the Aqueduct from *Loch Katrine* to *Glasgow* over the River *Endrick;* to provide for the better Distribution of Water; and for other Purposes.

lxx. An Act to make better Provision respecting the Repayment of Money borrowed by the Corporation of *Sunderland*, and for other Purposes.

lxxi. An Act for authorizing the Acquisition by the *London and South-western* Railway Company and the *Devon and Somerset* Railway Company of the Undertaking and Property of the *Ilfracombe* Railway Company; and for other Purposes.

lxxii. An Act to grant various additional Powers to the *North London* Railway Company.

lxxiii. An Act to enable the Corporation of "The President, Vice-Presidents, Treasurer, and Members of the School for the Indigent Blind" to sell and grant Leases of the Land belonging to them, and to purchase other Land, and for otherwise enabling them the better to carry out the Purposes of the said Corporation.

lxxiv. An Act to enable the *Glasgow and South-western* Railway Company to make new Railways between *Kilmarnock* and *Glasgow*, and for other Purposes.

lxxv. An Act for better supplying the Township of *Horsforth* in the West Riding of the County of *York* with Water; and for other Purposes.

lxxvi. An

lxxvi. An Act for incorporating and granting other Powers to "The *Drighlington and Gildersome* Gaslight Company."

lxxvii. An Act to authorize the *Liverpool* United Gaslight Company to increase their Capital, and to purchase additional Lands; and for other Purposes.

lxxviii. An Act to extend for a further Period the Powers of the *Wexford* Harbour Embankment Company for the Completion of their Undertaking; and to amend the Acts relating to the said Company; and for other Purposes.

lxxix. An Act to amend the Provisions of the Acts relating to the Company of Proprietors of the *Stourbridge* Navigation, and to confer further Powers on that Company; and for other Purposes.

lxxx. An Act for more effectually maintaining and repairing several Roads adjoining or near to the Town of *Great Torrington* in the County of *Devon;* and for new Powers; and for other Purposes.

lxxxi. An Act for authorizing an Extension of the *Corwen and Bala* Railway; for abandoning Portions of the *Corwen and Bala* and *Bala and Dolgelly* Railways; and for other Purposes.

lxxxii. An Act to enable the *Weald of Kent* Railway Company to make a Deviation of their authorized Line of Railway; and for other Purposes.

lxxxiii. An Act to vest the *Carmyllie* private Railway in the *Scottish North-eastern* Railway Company; Powers to that Company to take Tolls; raise additional Capital; and for other Purposes.

lxxxiv. An Act to enable the *Maryport and Carlisle* Railway Company to construct "The *Derwent* Branch Railway;" to enlarge the *Bull Gill* Station; to purchase additional Lands; to raise further Monies; and for other Purposes.

lxxxv. An Act to empower the *Port Talbot* Company to raise additional Capital; and for other Purposes.

lxxxvi. An Act to enable the *Whitehaven, Cleator, and Egremont* Railway Company to make Branches and other Works, and to extend their Railway to *Bigrigg Moor* in the County of *Cumberland;* to raise further Capital; and for other Purposes.

lxxxvii. An Act for authorizing the Construction of Railways in the County of *Northumberland,* to be called "The *Hexham and Allendale* Railway;" and for other Purposes.

lxxxviii. An Act to authorize the Construction of Docks at *King's Lynn,* and for other Purposes relating to that Undertaking.

lxxxix. An Act for authorizing "The *London and South-western*

western Railway Company" to abandon the making of Lines of Railway at *Kensington* and *Hammersmith*, and to make other Lines of Railway instead thereof, and to make the "*Chiswick* Curve;" and for other Purposes.

xc. An Act for enabling the Mayor, Aldermen, and Citizens of the City of *Manchester* to construct new Streets, enlarge Markets, improve the Channel of the River *Medlock*, and to effect further Improvements in the said City; and for other Purposes.

xci. An Act to incorporate a Company for making a Railway from the *South Durham and Lancashire Union* Branch of the *North-eastern* Railway at *Lartington* to *Middleton in Teesdale;* Working Arrangements with the *North-eastern* Railway Company; Powers to that Company to subscribe; and for other Purposes.

xcii. An Act for enabling the *Agra* and *Masterman's* Bank (Limited) to divide the original Shares of One hundred Pounds in the Capital of the Company into Two Shares of Fifty Pounds each.

xciii. An Act to extend the Time for completing the *Aylesbury and Buckingham* Railway; to raise additional Capital; and for other Purposes.

xciv. An Act to re-incorporate "The *Gomersal* Gaslight Company, Limited;" to authorize the raising of additional Capital; and for other Purposes.

xcv. An Act for establishing a Cattle Market at *Market Drayton* in the County of *Salop*.

xcvi. An Act for granting further Powers to the *Belfast* Gaslight Company.

xcvii. An Act to transfer to the *Bristol and Exeter* Railway Company the Powers of constructing and working the *Cheddar Valley and Yatton* Railway; to extend the Time for purchasing Lands; to authorize the Purchase of additional Lands; and for other Purposes.

xcviii. An Act for a Joint Station at *Bristol* for the *Great Western, Bristol and Exeter*, and *Midland* Railway Companies; and for other Purposes.

xcix. An Act for enabling the Local Board of the Borough of *Carnarvon* to supply their District with Water.

c. An Act to enable the *London and Blackwall* Railway Company to lease their Undertaking to the *Great Eastern* Railway Company; and for other Purposes.

ci. An Act to authorize the *Hammersmith and City* Railway Company to alter some of the Works connected with their Railway, and to purchase additional Lands, and to lease or transfer their Undertaking to the *Great Western* and *Metropolitan* Railway Companies; and for other Purposes.

cii. An

cii. An Act for authorizing the *London and South-western* Railway Company to make new Lines of Railway in *Surrey*, and for vesting in them Portions of Railways, and for authorizing Agreements between them and other Railway Companies, and for the raising by them of further Monies; and for other Purposes.

ciii. An Act for authorizing the *London and South-western* Railway Company to make and maintain a Railway from their Main Line of Railway at *Pirbright* by *Aldershot* to *Farnham;* and for other Purposes.

civ. An Act for authorizing the *London and South-western* Railway Company to make and maintain a Railway from *Bideford* to *Great Torrington*, and for other Purposes.

cv. An Act to authorize the *Great Northern* Railway Company to construct a Railway from *Hornsey* to their *Hertford, Luton*, and *Dunstable* Line near *Hertford*.

cvi. An Act for better supplying with Water the Towns of *Kidderminster*, *Stourport*, and *Bewdley*, and certain Parishes and Places adjacent thereto, in the County of *Worcester*.

cvii. An Act to empower the *Ventnor* Harbour Company to raise additional Capital.

cviii. An Act for more effectually paving, lighting, and improving the Town of *Ross* in the County of *Hereford*, for maintaining and providing Markets within such Town, and for supplying the same with Water; and other Purposes.

cix. An Act for better supplying the Town of *Rhyl* and Places in the surrounding District with Water; and for other Purposes.

cx. An Act for better supplying the Town of *Gainsborough* and the Neighbourhood thereof with Water; and for other Purposes.

cxi. An Act to enable the *North-eastern* Railway Company to construct Branch Railways and other Works in the Counties of *Durham* and *York;* to acquire additional Lands; and for other Purposes.

cxii. An Act for supplying with Water the Burgh of *Ayr* and Places adjacent.

cxiii. An Act to extend the Time for the Purchase of Lands for and Completion of the *Sligo* Extension of the *Enniskillen, Bundoran, and Sligo* Railway Company; and to enable the Company to raise further Money.

cxiv. An Act to enable the *Dublin and Antrim Junction* Railway Company to create Preference Shares in lieu of unissued, surrendered, and forfeited Shares; and for other Purposes.

cxv. An Act to authorize the Enlargement and Maintenance of existing Waterworks in the Township of *Glossop* in the Parish of

of *Glossop* in the County of *Derby*, and the Construction of new Waterworks, and to authorize the Sale of such Waterworks, and the Purchase thereof; and for other Purposes.

cxvi. An Act to authorize the Construction by the *London and Blackwall* Railway Company of Railways in the Parishes of *Stepney*, *Poplar*, and *Limehouse*, to be called "The *London, Blackwall, and Millwall Extension* Railway;" to authorize Agreements with other Companies with reference thereto; and for other Purposes.

cxvii. An Act to confer further Powers upon the *Metropolitan* Railway Company with reference to certain Works and Lands, and to authorize the Lease or Transfer of the Undertaking of the *Hammersmith and City* Railway Company, and Arrangements with other Parties; and for other Purposes.

cxviii. An Act to authorize the *Great Eastern* Railway Company to make certain Railways in connexion with their Railways near the Metropolis, and to purchase Station Lands; and for other Purposes.

cxix. An Act to authorize the *Hastings and St. Leonards* Gas Company to raise a further Sum of Money; and for other Purposes.

cxx. An Act to repeal and consolidate the Acts relating to the *Exeter* Gaslight and Coke Company, and the *Exeter Commercial* Gaslight and Coke Company; and to confer further Powers on the *Exeter* Gaslight and Coke Company; and for other Purposes.

cxxi. An Act for reclaiming from the Sea certain Lands on and near the Eastern and South-eastern Coast of *Essex;* for making Conduits from the *North London* Main discharging Sewers to the Coast of *Essex;* for utilizing the Sewage of *North London;* and for other Purposes.

cxxii. An Act for making a Railway to connect *Brean Down* Harbour with existing Railways in the County of *Somerset;* and for other Purposes.

cxxiii. An Act to vary, extend, and consolidate the Powers of the *Northern* Assurance Company; and for other Purposes relating thereto.

cxxiv. An Act for the further Improvement of the Drainage and Navigation by the River *Witham* in the County of *Lincoln*, and for amending the Acts relating thereto; and for other Purposes.

cxxv. An Act to authorize the *North British* Railway Company to make several Railways in the Parishes of *Liberton*, *Lasswade*, and elsewhere, in the County of *Edinburgh;* and to have Running Powers over the *Esk Valley* Railway; and for other Purposes.

cxxvi. An

cxxvi. An Act to authorize the Mayor, Aldermen, and Burgesses of the City and Borough of *Ripon* to purchase the Gasworks of the *Ripon* Gaslight Company, and to supply Gas within the said City and Borough and the Neighbourhood thereof, in the West and North Ridings of the County of *York;* and to preclude Questions as to the Style of the City and Borough, and the Name of the Corporation; and for other Purposes.

cxxvii. An Act to empower the *West Sussex Junction* Railway Company to make a Deviation from the authorized Line of their Railway; and for other Purposes.

cxxviii. An Act to repeal, and re-enact with Amendments, the Provisions of the Act relating to the *Leamington Priors* Gaslight and Coke Company; to extend the Limits of Supply thereby authorized; to authorize an Increase of Capital; and for other Purposes.

cxxix. An Act for the Incorporation and better Regulation of the Affairs of the *Assam* Company.

cxxx. An Act to extend the *Kilrush and Kilkee* Railway, and to grant further Time for Completion of the Works.

cxxxi. An Act to repeal the Acts relating to the *Plymouth and Dartmoor* Railway Company; to authorize the raising of additional Capital, and Arrangements with the *South Devon* Railway Company; and for other Purposes.

cxxxii. An Act for making a Railway from the *Bristol and Exeter* Railway at *Tiverton* to the *Devon and Somerset* Railway in the Parish of *Morebath* in the County of *Devon,* and for granting certain Powers to the *Bristol and Exeter* Railway Company with reference thereto.

cxxxiii. An Act to authorize the Amalgamation of the *Dunblane, Doune, and Callander* Railway Company with the *Scottish Central* Railway Company; and for other Purposes.

cxxxiv. An Act to authorize the Amalgamation of the *Crieff Junction* Railway Company with the *Scottish Central* Railway Company; and for other Purposes.

cxxxv. An Act for enabling the *Caledonian* Railway Company to make a Railway from *Barrhead* to *Paisley,* and to improve the Railway between *Barrhead* and *Crofthead,* all in the County of *Renfrew;* and for other Purposes.

cxxxvi. An Act for enabling the *Caledonian* Railway Company to make a Branch Railway for connecting their Main Line near *Dalmakeddar* with the *Dumfries, Lochmaben, and Lockerby Junction* Railway near *Shielhill* in the County of *Dumfries;* and for other Purposes.

cxxxvii. An Act to repeal, consolidate and amend the Provisions of the Acts of Parliament relating to the Company of Merchants of the City of *Edinburgh;* and to enlarge the Powers

Powers of the said Company; to amend the Act relating to *Daniel Stewart's* Hospital; and for other Purposes.

cxxxviii. An Act to extend the Limits for the Supply of Water, and to authorize the building of a Town Hall, by the Local Board of Health for the District of *Merthyr Tydfil;* and for other Purposes.

cxxxix. An Act for making a Railway from the *Caledonian* Railway at *Crofthead* to *Kilmarnock,* with a Branch to *Beith,* in the Counties of *Renfrew* and *Ayr;* and for other Purposes.

cxl. An Act for the Extension of the Boundaries of the Municipal Borough and District of *Halifax,* and otherwise improving the said Borough; to amend and extend the several Powers of the Acts relating thereto; and for other Purposes.

cxli. An Act to extend the Limits of Supply of the *Neath* Water Company, and to authorize them to construct additional Works; and for other Purposes.

cxlii. An Act to enable the *Southampton* Gaslight and Coke Company to extend their Limits for the Supply of Gas, and to raise additional Capital; and for other Purposes.

cxliii. An Act to enable the *Whitehaven and Furness Junction* Railway Company to make Branches and other Works, and to extend their Railway from *Millom* in the County of *Cumberland* to join the *Furness* Railway in the Parish of *Dalton* in the County of *Lancaster;* to raise further Capital; and for other Purposes.

cxliv. An Act to extend the Term and amend the Provisions of the Act relating to the *Cromford and Belper* Turnpike Road

cxlv. An Act for enabling the Mayor, Aldermen, and Citizens of the City of *Manchester* to construct new Works in connexion with their Waterworks; and for other Purposes.

cxlvi. An Act to authorize the Construction of a Pier in *Morecambe Bay.*

cxlvii. An Act for extending the Powers of "The *Rickmansworth, Amersham, and Chesham* Railway Company."

cxlviii. An Act for the Incorporation of the *Ham* Oyster Fishery Company, and for authorizing them to establish and maintain an Oyster Fishery near the North-east Coast of the *Isle of Sheppey* in the County of *Kent;* and for other Purposes.

cxlix. An Act for authorizing the *Okehampton* Railway Company to make and maintain Extensions of their Railway to *Bude* in the County of *Cornwall* and to *Great Torrington* in

in the County of *Devon* respectively, and to raise further Monies; and for other Purposes.

cl. An Act to authorize the vesting in the *Great Eastern* Railway Company of the *Bishop Stortford, Dunmow, and Braintree* Railway.

cli. An Act to confer further Powers upon "The *Metropolitan District* Railway Company."

clii. An Act to give Effect to an Agreement between the Lord Provost, Magistrates, and Council of the City of *Edinburgh* and the *North British* Railway Company with reference to the Fruit and Vegetable Market; and for the Enlargement of the *North British* Station at *Edinburgh;* and for other Purposes.

cliii. An Act to incorporate a Company for making "The *Fareham and Netley* Railway;" and for other Purposes.

cliv. An Act for authorizing the *Teign Valley* Railway Company to raise further Monies; and for other Purposes.

clv. An Act for defining and consolidating the Undertaking and Mortgage Debt of "The *Bristol Port* Railway and Pier Company;" and for other Purposes.

clvi. An Act to authorize the *Cork and Limerick Direct* Railway Company to issue Preference Shares in lieu of cancelled Shares, and to create Debenture Stock; and for other Purposes.

clvii. An Act for authorizing the *Isle of Wight* Railway Company to provide and work Steam Vessels, and to provide Accommodation for Traffic thereby, and to raise further Monies; and for other Purposes.

clviii. An act to authorize the *Llanelly* Railway and Dock Company to raise more Money.

clix. An Act to enable the *Mid-Wales* Railway Company to make a Railway to join the *Central Wales* Railway; and for other Purposes.

clx. An Act to amend the Provisions of the *West Bromwich* Improvement Act, 1854, and the *West Bromwich* Improvement Amendment Act, 1855.

clxi. An Act for enabling the *Caledonian* Railway Company to make a Branch Railway to *Balerno* in the County of *Edinburgh;* and for other Purposes.

clxii. An Act for the better Management of the *Marsh* Estate of the Mayor, Aldermen, and Burgesses of the Borough of *Southampton;* and for authorizing them to establish and maintain new Markets, and to raise further Monies; and for other Purposes.

clxiii. An Act to repeal an Act passed in the Fourth Year of the Reign of Her present Majesty Queen *Victoria,* intituled "An

"An Act for repairing several Roads leading from the Town "of *Barnstaple* in the County of *Devon*, and for making "several new Lines of Road connected therewith," and to grant more effectual Powers in lieu thereof; to convert into Turnpike Road Portions of existing Roads; and for other Purposes.

clxiv. An Act to authorize the opening of certain new Streets in the Borough of *Belfast*, and to confer certain Powers upon a Company and the Mayor, Aldermen, and Burgesses of the Borough of *Belfast* for such Purposes.

clxv. An Act for empowering the *Cheltenham* Waterworks Company to extend their Works and Limits of Supply, and to raise a further Sum of Money; and for other Purposes.

clxvi. An Act for granting certain Powers to the *Crays* Gaslight and Coke Company, Limited.

clxvii. An Act to authorize the Amalgamation of the *General Terminus and Glasgow Harbour* Railway Company with the *Caledonian* Railway Company; and for other Purposes.

clxviii. An Act to authorize the Consolidation into One Undertaking of the *Inverness and Perth Junction* and the *Inverness and Aberdeen Junction* Railways, and the Union into One Company of the Two Companies to which the said Railways respectively belong; to consolidate and amend the Acts relating to the same Companies; and for other Purposes.

clxix. An Act for making a Railway from *Bonar Bridge* Railway Station at *Ardgay* in the County of *Ross* to *Brora* in the County of *Sutherland*, to be called "The *Sutherland* Railway;" and for other Purposes.

clxx. An Act to authorize the *Carmarthen and Cardigan* Railway Company to extend their Railway near *Kidwelly* in *Carmarthenshire*.

clxxi. An Act to continue the *Winchcomb* District of Turnpike Roads Trust in the County of *Gloucester;* and for other Purposes.

clxxii. An Act to enable the *Mold and Denbigh Junction* Railway Company to raise further Sums, and to divide their Shares, and to make Deviations and Alterations in their authorized Line of Railway; and for other Purposes.

clxxiii. An Act to authorize the *Bishop's Castle* Railway Company to extend their Railway to the *Minsterley* Branch of the *Shrewsbury and Welshpool* Railway in *Shropshire;* and for other Purposes.

clxxiv. An Act for transferring the *New North Road* or *Parliamentary Road, Glasgow*, to the Board of Police of *Glasgow;* and for other Purposes.

clxxv. An Act for extending the Time for the Purchase of Lands

Lands and the Completion of the Railway authorized by "The *Carnarvonshire* Railway Act, 1862."

clxxvi. An Act for the Extension of the *Wrexham, Mold, and Connah's Quay* Railway to *Farndon;* and for other Purposes.

clxxvii. An Act to authorize the *Stonehouse and Nailsworth* Railway Company to extend their Railway from *Dudbridge* to the *Great Western* Railway at *Stroud;* and for other Purposes relating to the same Company.

clxxviii. An Act for authorizing the making by the *Tottenham and Hampstead Junction* Railway Company of Lines of Railway by way of Substitution for Lines of Railway already authorized to be made by them; and for authorizing Arrangements between them and the *Great Eastern* Railway Company and the *Midland* Railway Company; and for other Purposes.

clxxix. An Act to enable the *Furness* Railway Company to construct new Lines of Railway, and to raise further Monies; and for other Purposes.

clxxx. An Act for maintaining, improving, and managing the public Roads and Bridges in the County of *Dumfries.*

clxxxi. An Act to authorize the Construction of a Railway from *Wolverhampton* to *Walsall,* all in the County of *Stafford.*

clxxxii. An Act to authorize the *Great Northern* Railway Company to construct a Railway in *Lincolnshire* from *Sleaford* to *Bourn.*

clxxxiii. An Act for separating for certain Purposes the Borough of *Belfast* from the County of *Antrim;* and for making better Provision respecting Contribution by the Borough towards the Expenses of the County; and for amending the Provisions of certain of the Acts relating to the Borough; and for other Purposes.

clxxxiv. An Act to authorize the *Great Eastern* Railway Company to raise a further Sum of Money, and to consolidate certain of their Preference Stocks, and to confer Powers upon the said Company with reference to *Lowestoft* Harbour; and for other Purposes.

clxxxv. An Act for making a Railway from *Presteign* in the County of *Radnor* to join the *Central Wales* Railway in the Parish of *Llangunllo,* to be called "The *Lugg Valley* Railway;" and for other Purposes.

clxxxvi. An Act to enable the *Solway Junction* Railway Company to make certain Deviations in their authorized Line; and for other Purposes.

clxxxvii. An Act to amend and enlarge the Powers and Provisions of "The *Westminster* Improvement and Incumbered Estate

Estate Act, 1861;" for winding up the Affairs of the Commission; for the compulsory Purchase of Lands and the Completion of the Improvements; Borrowing Power; and for other Purposes.

clxxxviii. An Act for amending and extending the "*Burnham* Tidal Harbour Act, 1860," and for enlarging the Powers of the *Burnham* Tidal Harbour Company; and for other Purposes.

clxxxix. An Act for better supplying with Water the Town and Borough of *Belfast* and other Places, and for altering and amending the Constitution of the Corporation of the *Belfast* Water Commissioners; and for other Purposes.

cxc. An Act to enable the *Denbigh, Ruthin, and Corwen* Railway Company to raise additional Capital; and for other Purposes.

cxci. An Act to authorize the *Edgware, Highgate, and London* Railway Company to construct a short Line of Railway to connect their Railway with the *Tottenham and Hampstead Junction* Railway; and for other Purposes.

cxcii. An Act for making Railways from the *Hammersmith and City* Railway through *Fulham* to the North Shore of the River *Thames;* and for other Purposes.

cxciii. An Act to empower the *Lancashire Union* Railways Company to construct an Extension Line to *Saint Helens* and other Branches in the County of *Lancaster;* and for other Purposes.

cxciv. An Act to authorize the *Lynn and Sutton Bridge* Railway Company to execute certain Works at *Sutton Bridge*, and granting other Powers to the same Company.

cxcv. An Act for the Improvement of the Town of *Southport* and the Neighbourhood thereof; and for other Purposes.

cxcvi. An Act authorizing the Sale or Transfer of *Southwark Bridge.*

cxcvii. An Act to authorize the *Sunningdale and Cambridge Town* Railway Company to make new Railways, and to use Part of the Railway of the *South-eastern* Railway Company; and for other Purposes.

cxcviii. An Act to authorize the Transfer to the *Belfast, Holywood, and Bangor* Railway Company of the *Holywood* Branch of the *Belfast and County Down* Railway; and for other Purposes relating to such Transfer.

cxcix. An Act to extend the Time for the compulsory Purchase of Lands for Part of the Undertaking of the *Sevenoaks, Maidstone, and Tunbridge* Railway Company.

cc. An Act to authorize the *Edinburgh and Glasgow* Railway Company to form a Station on the College Lands at *Glasgow,* and

and to subscribe to and hold Shares in the *City of Glasgow Union* Railway Company; and for other Purposes.

cci. An Act to authorize the *Monkland* Railways Company to make Branch Railways in the County of *Lanark;* and for other Purposes.

ccii. An Act to enable the *Caledonian* Railway Company to make a Branch Railway for connecting their Railway with the *North British* Railway near *Edinburgh;* and for other Purposes.

cciii. An Act to authorize the Construction of a Railway, to be called "The *Skipton and Wharfdale* Railway."

cciv. An Act for a better Water Supply to *Tunbridge Wells* and Places near thereto; and for other Purposes.

ccv. An Act for the Amalgamation of the *Ogmore Valley* Railways Company and the *Ely Valley Extension* Railway Company; and for other Purposes.

ccvi. An Act to authorize the Construction of Railways from the *Port Carlisle* Railway to the River *Caldew,* and thence to the Goods Lines on the Southern Side of the *Carlisle Citadel* Station; and for other Purposes.

ccvii. An Act for repairing the Road from the Guide Post below *Haddon,* out of the *Bakewell* Turnpike Road into the *Bentley and Ashbourne* Turnpike Road, in the County of *Derby;* and for other Purposes.

ccviii. An Act for amending the Metropolitan Market Act, 1857; and for other Purposes.

ccix. An Act for the *Mansfield and Worksop* Turnpike Road in the Counties of *Nottingham* and *Derby.*

ccx. An Act to give Effect to an Arrangement concerning the Contribution payable under certain Enactments by certain Baronies in *Roscommon* and *Galway* and the County of the Town of *Galway* to the *Midland Great Western Railway of Ireland* Company.

ccxi. An Act for conferring further Powers on the *Swansea and Aberystwith Junction* Railway Company.

ccxii. An Act for maintaining the Public Roads and Bridges in the County of *Wigtown.*

ccxiii. An Act to authorize the Construction of a Railway across the *Firth of Forth* in connexion with the *Edinburgh and Glasgow* and *North British* Railways, and in completion of the improved Railway Route between *Edinburgh* and *Perth* across the Firth; also other Railways and Works; and for other Purposes.

ccxiv. An Act for the further improving of the Town of *Blackpool* and the rest of the Township of *Layton with Warbrick* in the County Palatine of *Lancaster,* and for other Purposes,

poses, and of which the Short Title is "*Blackpool* Improvement Act, 1865."

ccxv. An Act for continuing the Term of the Turnpike Roads from *Brimington* and *Chesterfield* in the County of *Derby* to the *High Moors* in the Parish of *Brampton* in the said County; and for other Purposes.

ccxvi. An Act to authorize the *Great Northern* Railway Company to construct certain short Lines of Railway at *Newark, Spalding, Essendine,* and *Barkstone;* and for other Purposes.

ccxvii. An Act to amalgamate the *Monkland* Railways Company with the *Edinburgh and Glasgow* Railway Company.

ccxviii. An Act to authorize the *Kidwelly and Llanelly* Canal and Tramroad Company to stop up and discontinue the Use of their Canals, and to make a Railway from *Burry Port* in the Parish of *Pembrey* to join the Mountain Branch of the *Llanelly* Railway in the Parish of *Llanarthney, Carmarthenshire,* with Branches; to change the Name of the Company; and for other Purposes.

ccxix. An Act to authorize the *West Cornwall* Railway Company to enter into Working Arrangements with other Companies, and to lease or sell their Railway; and for other Purposes.

ccxx. An Act to empower the *Belfast Central* Railway Company to make a Line of Railway and a Tramway, and to empower the *Belfast* Harbour Commissioners to make a Tramway; and for other Purposes.

ccxxi. An Act to empower the *Dublin Trunk Connecting* Railway Company to make Junction and Deviation Railways; and for other Purposes.

ccxxii. An Act to authorize the Construction by the *Dublin, Wicklow, and Wexford* Railway Company of a Railway connecting their Railway with the *Dublin and Kingstown* Railway; and for other Purposes.

ccxxiii. An Act for making a Railway from *Dingwall* to *Kyle of Lochalsh,* to be called "The *Dingwall and Skye* Railway;" and for other Purposes.

ccxxiv. An Act for authorizing the *Isle of Wight* Railway Company to make additional Railways, and to raise further Monies; and for other Purposes.

ccxxv. An Act to enable the *Saint Clement Danes* Improvement Company to make certain Improvements in the Parish of *Saint Clement Danes* in the County of *Middlesex;* and for other Purposes.

ccxxvi. An Act to authorize the *Stourbridge* Railway Company to construct a Branch Railway to *Stourbridge,* and to raise additional

additional Sums of Money for their original Railway and Extension Railway; and for other Purposes.

ccxxvii. An Act for the better Regulation of the *Rochester* Oyster Fishery; and for other Purposes.

ccxxviii. An Act for incorporating the *Lymington* River Company, and authorizing them to make Improvements of the lower Part of the *Lymington* River in connexion with the *Lymington* Docks, and to reclaim Mud Land opposite to the Docks; and for other Purposes.

ccxxix. An Act for enabling the *Busby* Railway Company to extend their Railway to the Village of *East Kilbride* in the County of *Lanark;* and for other Purposes.

ccxxx. An Act for the Incorporation of the *Burnley* Market Company; and for other Purposes.

ccxxxi. An Act to revive and extend the powers of the River *Fergus* Navigation and Embankment Company; and for authorizing the Company to embank and reclaim from the Sea other Waste Lands on the Sides of the River *Fergus* in the County of *Clare;* and for other Purposes.

ccxxxii. An Act to enable the *West Cork* Railway Company to raise additional Capital; to maintain certain Portions of their Railway constructed beyond the authorized Limits; to extend the Time limited for Completion of Works; and for other Purposes.

ccxxxiii. An Act to incorporate a Company for making Railways in the County of *Worcester,* to be called the *Halesowen and Bromsgrove* Branch Railways; and for other Purposes.

ccxxxiv. An Act to incorporate a Company for making and maintaining a Railway from the *Peterston* Station of the *South Wales* Railway to *Cadoxton-juxta-Barry,* with a Branch to *Sully,* all in the County of *Glamorgan;* and for other Purposes.

ccxxxv. An Act for supplying with Water the Town and Neighbourhood of *Newtown* in the County of *Montgomery.*

ccxxxvi. An Act for the Extension of the *Hoylake* Railway to *New Brighton;* and for other Purposes.

ccxxxvii. An Act to enable the *Sidmouth* Railway and Harbour Company to make and maintain a Branch from their authorized Railway in the Parish of *Sidmouth;* and for other Purposes.

ccxxxviii. An Act for making a Railway, to be called "The *Spilsby and Firsby* Railway;" and for other Purposes.

ccxxxix. An Act to enable the *Swansea Vale and Neath and Brecon Junction* Railway Company to construct a Branch to *Abercrave;* and for other Purposes.

ccxl. An Act for more effectually maintaining and keeping in repair

repair the Roads, Highways, and Bridges in the County of *Aberdeen;* for making new Roads in the said County; and for other Purposes.

ccxli. An Act to authorize the *Bishop's Castle* Railway Company to make Communications between their Railway and certain neighbouring Railways; and for other Purposes relating to their Undertaking.

ccxlii. An Act to abolish certain Restrictions as to the Use of the Connexion Railways of Messieurs *Samuel Allsopp* and Sons at *Burton-upon-Trent,* and to authorize them to construct additional Railways.

ccxliii. An Act to authorize the Construction of a Railway in the Town of *Burton-upon-Trent;* and for other Purposes.

ccxliv. An Act for incorporating a Company, and for making and maintaining the *Hawes and Melmerby* Railway; and for other Purposes.

ccxlv. An Act to enable the *Glasgow and South-western* Railway Company to construct new Railways in connexion with their Railways and the *Kirkcudbright* and *Bridge of Weir* Railways; and for other Purposes.

ccxlvi. An Act to enable the *Glasgow and South-western* Railway Company to make and maintain certain Railways in the County of *Ayr;* and for other Purposes.

ccxlvii. An Act to enable the *City of Glasgow Union* Railway Company to make Deviations of their authorized Railway; to construct a Railway to the Harbour of *Glasgow;* and for other Purposes.

ccxlviii. An Act for amalgamating the Undertaking of the *Marple New Mills and Hayfield Junction* Railway Company with that of the *Manchester, Sheffield, and Lincolnshire* Railway Company; and for authorizing the last-mentioned Company to subscribe to the Undertaking of the *Liverpool Central Station* Railway Company; and for other Purposes.

ccxlix. An Act for authorizing the Construction of a Railway from the *Great Eastern* Railway at *Mellis* to *Eye* in the County of *Suffolk;* and for other Purposes.

ccl. An Act for the Improvement and better Government of the Borough of *Newcastle-upon-Tyne;* and for other Purposes.

ccli. An Act to enable the *North-eastern* Railway Company to construct a Railway and Works in *Leeds* in the County of *York;* to raise additional Capital; and for other Purposes.

cclii. An act to incorporate the Committee for managing the General Station at *Perth,* and to vest in such Committee the whole of that Station and other Works to be made Part thereof; to alter the Division and Appropriation thereof; to authorize

authorize the Enlargement and Improvement of that Station and the Construction of new Works; to enable the Committee to recover the Expense of Enlargement from the Companies interested in such Station, and to confer Powers and impose Liabilities on those Companies; and for other Purposes.

ccliii. An Act to authorize the Joint Committee for managing the General Railway Station at *Perth* to lease or feu Part of the Ground within the Station Limits for an Hotel, or to erect an Hotel thereon; to enable the Companies interested in the said Station, or the Majority of them, to contribute to the Hotel; and for other Purposes.

ccliv. An Act for regulating the Police, Lighting, Draining, and Improvement of the Burgh of *Port-Glasgow;* for supplying with Water the said Burgh and Places adjacent; and for other Purposes.

cclv. An Act to empower the *South Devon* Railway Company to make a Branch Railway at *Exeter*, and to confer upon them further Powers in relation to their own Undertaking and the Undertakings of other Companies; and for other Purposes.

cclvi. An Act for incorporating the *South Northumberland* Railway Company, and authorizing them to make and maintain the *South Northumberland* Railway; and for other Purposes.

cclvii. An Act to enable the *Torquay* Gas Company to increase their Capital and extend their Works; and for other Purposes.

cclviii. An Act for making a Railway from near the *Waterloo* Station of the *London and South-western* Railway to *Whitehall;* and for other Purposes.

cclix. An Act to enable the *West Riding and Grimsby* Railway Company to raise further Sums of Money; to extend the Time limited in respect of One of their authorized Branches; and for other Purposes.

cclx. An Act to enable the *Wrexham and Minera* Railway Company to make and maintain new Lines of Railway; and for other Purposes.

cclxi. An Act to enable the *Wrexham, Mold, and Connah's Quay* Railway Company to extend their Railway to *Connah's Quay;* and for other Purposes.

cclxii. An Act to stop up Part of an existing Road called *Gloucester Road,* formerly called *Hogmore Lane,* in the Parish of *Saint Mary Abbotts, Kensington,* in the County of *Middlesex,* and to vest the Site thereof in the Owners of adjoining Lands, and to make a new Road of greater Width in lieu thereof; and for other Purposes.

 cclxiii. An

cclxiii. An Act for incorporating the *Bude Canal and Launceston Junction* Railway Company, and authorizing them to make and maintain the *Bude Canal and Launceston Junction* Railway; and for other Purposes.

cclxiv. An Act to authorize the Construction of Railways from the *Waterford and Limerick* Railway at *Clonmel* to *Lismore* and *Dungarvan;* and for other Purposes.

cclxv. An Act to enable the *Dublin, Rathmines, Rathgar, Roundtown, Rathfarnham, and Rathcoole* Railway Company to extend their Railway to *Blesinton* and in *Dublin;* and for other Purposes with relation to the same Railway.

cclxvi. An Act for making a Railway from the Town of *Oban* in the County of *Argyle* to the *Dunblane, Doune, and Callander* Railway near *Callander* in the County of *Perth,* with a Tramway to the Harbour of *Oban;* and for other Purposes.

cclxvii. An Act for making a new Railway Station at *Leeds* in the County of *York;* and for other Purposes.

cclxviii. An Act to provide for a Contribution by the *London and South-western* Railway Company to the Undertaking of the *London, Chatham, and Dover* Railway Company, and for the User by them of Part of that Undertaking; and for other Purposes.

cclxix. An Act to authorize the *London, Chatham, and Dover* Railway Company to make connecting Railways, and to widen Parts of their existing Railways in *Surrey,* and to acquire additional Lands; to provide for the Abandonment of a Railway authorized by the "*Crystal Palace and South London Junction* Railway Act, 1862;" and for other Purposes.

cclxx. An Act for making a Railway from *Stratford-on-Avon* to *Worcester;* and for other Purposes.

cclxxi. An Act to enable the *Mold and Denbigh Junction* Railway Company to make certain new Lines of Railway, and to abandon a Portion of their authorized Railway; and for other Purposes.

cclxxii. An Act for making a Railway from *Scarborough* to *Whitby.*

cclxxiii. An Act for the Dissolution of the *Tooting, Merton, and Wimbledon* Railway Company, and for vesting their Undertaking, Railway, and Property in the *London and South-western* Railway Company and the *London, Brighton, and South Coast* Railway Company; and for authorizing the making and maintaining of a Junction Line of Railway at *Wimbledon* between the *London and South-western* Railway and the *Tooting, Merton, and Wimbledon* Railway; and for other Purposes.

cclxxiv. An

cclxxiv. An Act to enlarge the Powers of the *Tyne* Improvement Commissioners, and to facilitate the Construction of the *Tynemouth* Docks; and for other Purposes.

cclxxv. An Act for enabling the *West Yorkshire* Railway Company to raise further Money; and for other Purposes.

cclxxvi. An Act for making a Railway from the *West Midland* Railway to the *Coleford, Monmouth, Usk, and Pontypool* Railway; and for other Purposes.

cclxxvii. An Act to authorize the Abandonment of the *Wem* Branch of the *Cambrian* Railways Company, and a Transfer of the Company's Agreement to work the *Aberystwith and Welsh Coast* Railway to *Thomas Savin*, and a Lease of the Company's Undertaking to the said *Thomas Savin*.

cclxxviii. An Act to make further Provision for the Prevention of Accidents from Gunpowder in the River *Mersey* and in the Borough of *Liverpool*; and for other Purposes.

cclxxix. An Act for making a Railway from the *Deeside* Railway Extension at *Charleston of Aboyne* to the *Bridge of Gairn*, to be called "The *Aboyne and Braemar* Railway."

cclxxx. An Act for authorizing the Sale by the Assignees in Bankruptcy of the Estate and Effects of the *Bagenalstown and Wexford* Railway Company of their Line of Railway and all other their Property, together with the Rights, Powers, Authorities, and Privileges of the said Company, and for the Dissolution of the said Company.

cclxxxi. An Act for authorizing the *Monmouthshire* Railway and Canal Company to execute additional Works; to acquire the *Brecon and Abergavenny* Canal; to raise additional Capital; and for other Purposes relating to the same Company.

cclxxxii. An Act for authorizing the *Sidmouth and Budleigh Salterton* Railway Company to make and maintain a Deviation of their authorized Line in the County of *Devon*; and for other Purposes.

cclxxxiii. An Act to enable the *Aberystwith and Welsh Coast* Railway Company to deviate from some of its authorized Lines; to make certain Extensions at *Portmadoc* Harbour, *Aberdovey*, and *Cerig-y-Penrhyn*; and for other Purposes.

cclxxxiv. An Act to empower the *Brecon and Llandovery Junction* Railway Company to make a Deviation of Part of their authorized Railway; and for other Purposes.

cclxxxv. An Act for the Consolidation of the Capitals and Undertakings of the *Brecon and Merthyr Tydfil Junction* Railway Company; to enable them to raise more Money, and to construct new Lines to *Ivor* and *Dowlais*, and a Diversion of the *Cyfarthfa* Deviation; to extend the Time for the Completion

Completion of Parts of their Railways; and for other Purposes.

cclxxxvi. An Act for granting certain Powers to the *Bromley* Gas Consumers Company, Limited.

cclxxxvii. An Act for the Amalgamation of the *Scottish Central* Railway Company with the *Caledonian* Railway Company; and for other Purposes.

cclxxxviii. An Act to enable the *Caledonian* Railway Company to make and maintain certain Branch Railways, to supersede certain level Crossings, and to improve certain of their Stations and acquire additional Lands, in the Counties of *Renfrew, Lanark, Edinburgh, Dumbarton,* and *Cumberland;* and for other Purposes.

cclxxxix. An Act for enabling the *Caledonian* Railway Company to make a Railway from their Line near *Cleland* in the County of *Lanark* to their Line near *Mid-Calder* in the County of *Edinburgh,* with Branches to the Mineral Fields and Works in that District; and for other Purposes.

ccxc. An Act for enabling the *Caledonian* Railway Company to extend their *Douglas* Branch to *Muirkirk* in the Counties of *Lanark* and *Ayr;* and for other Purposes.

ccxci. An Act to authorize the vesting of the *Aberystwith and Welsh Coast* Railway in the *Cambrian* Railways Company by Amalgamation.

ccxcii. An Act for making and maintaining the *Chester and West Cheshire Junction* Railway; and for other Purposes.

ccxciii. An Act for making a Railway from *Coventry* to the *Southam* Railway; and for other Purposes.

ccxciv. An Act for making a Railway from the Town of *Crieff* to *Comrie,* with a Railway connecting said Railway with the authorized *Crieff and Methven Junction* Railway; and for other Purposes.

ccxcv. An Act to incorporate a Company for maintaining an existing Railway from *Carreg Hylldrem* in the County of *Merioneth* to *Portmadoc* in the County of *Carnarvon,* and making an Extension thereof.

ccxcvi. An Act to authorize the Construction of Railways to connect *Deal* and *Walmer* and *Dover* in the County of *Kent;* and for other Purposes.

ccxcvii. An Act to authorize the Amalgamation of the *Dumfries, Lochmaben, and Lockerby Junction* Railway Company with the *Caledonian* Railway Company; and for other Purposes.

ccxcviii. An Act for the Amalgamation of divers Railway Companies with the *Glasgow and South-western* Railway Company; and for other Purposes.

ccxcix. An

ccxcix. An Act for conferring further Powers on the *Great Western* Railway Company for the Construction of Works and the Acquisition of Lands, and otherwise in relation to their own Undertaking and the Undertakings of other Companies and Persons; and for other Purposes.

ccc. An Act to consolidate and amend the Provisions relating to the Police of the Town of *Greenock;* to authorize certain Improvements in the said Town; and for various other Purposes.

ccci. An Act for making Railways from *Greenock* to the *Glasgow and South-western* and *Bridge of Weir* Railways; and for other Purposes.

cccii. An Act to amend the *Highbridge* Markets and Gas Act; and for other Purposes.

ccciii. An Act for making a Railway from the *Westerfield* Station near *Ipswich* of the *Great Eastern* Railway to *Felixstow* in the County of *Suffolk;* and for other Purposes.

ccciv. An Act for authorizing the *London and South-western* Railway Company to make new Works; and for the Amalgamation with their Undertaking of the Undertakings of divers Railway Companies; and for authorizing Arrangements respecting divers Railways; and for regulating and increasing the Capital and Borrowing Powers of the *London and South-western* Railway Company; and for other Purposes.

cccv. An Act to authorize the *Manchester and Milford* Railway Company to make certain new Railways in substitution for Part of their authorized Railway and *Aberystwith* Branch; and to extend the Time for the Purchase of Lands and Completion of Part of their authorized Line; and to give various other Powers to the said Company and to other Railway Companies; and for other Purposes.

cccvi. An Act for making a Railway from the *Cemmes Road* Station on the *Cambrian* Railway to near the Town of *Dinas Mowddwy;* and for other Purposes.

cccvii. An Act to enable the *Newry and Greenore* Railway Company to make certain Deviations in their authorized Line, and to construct certain new Works; and for other Purposes.

cccviii. An Act to provide for a complete Union of the Undertakings of the *North British* and *Edinburgh and Glasgow* Railway Companies by Amalgamation; and for other Purposes.

cccix. An Act to authorize the Construction of a Pier at *Burntisland* and other Works by the *North British* Railway Company; and for other Purposes.

cccx. An

cccx. An Act for making Railways from the *North London* Railway to *Alexandra Park*, and to the *Edgware, Highgate, and London* Railway; and for other Purposes.

cccxi. An Act for defining and extending the Powers of the Corporation of *Oldham* in relation to the Improvement of Streets in the Borough, and to Police and other Matters of local Government, and to Gas and Water Supply; and for other Purposes.

cccxii. An Act to authorize the Construction of a Railway between *Ross and Monmouth;* and for other Purposes.

cccxiii. An Act for dividing the Parish of *Saint Philip and Jacob* in the City and County of *Bristol;* and for forming the Out-Parish of *Saint Philip and Jacob* into a distinct and separate Parish; for making further Provision as to the Election and Appointment of Overseers of the Poor for the said Out-Parish, and as to Churchwardens of the said Out-Parish; and for other Purposes.

cccxiv. An Act for the making and maintaining of *Stapenhill Bridge* over the River *Trent* near to the Town of *Burton-upon-Trent*, with Approaches thereto, and for the discontinuing of *Stapenhill Ferry* across the River; and for other Purposes.

cccxv. An Act for making a Railway from near the *Aberystwith and Welsh Coast* Railway in the Parish of *Towyn* in the County of *Merioneth* to the Township of *Maestrefnant* in the Direction of *Talyllyn*, to be called "The *Talyllyn* Railway;" and for other Purposes.

cccxvi. An Act for authorizing the *Vale of Neath* Railway Company to raise further Monies; and for giving Effect to Agreements between them and the *Aberdare Valley* Railway Company and the *London and North-western* Railway Company respectively; and for other Purposes.

cccxvii. An Act to authorize the Construction of a Railway from *Watchet* to *Minehead* in the County of *Somerset*.

cccxviii. An Act for making Railways in *Wiltshire* from the *London and South-western* Railway to the *Berks and Hants* Railway at *Pewsey* and *Woodborough;* and for other Purposes.

cccxix. An Act to authorize Deviations in the Line of the *Gloucester* Extension of the *Worcester, Dean Forest, and Monmouth* Railway Company; and to enable the Company to raise additional Capital; and for other Purposes.

cccxx. An Act for authorizing the Construction of a Railway from *Acton* to *Brentford;* and for other Purposes.

cccxxi. An Act to authorize the *West Riding and Grimsby* Railway

Railway Company to construct a Railway from the *South Yorkshire* Railway to *Lincoln;* and for other Purposes.

cccxxii. An Act for incorporating a Company for making a Railway from *Portmadoc* to *Beddgelert* in the Counties of *Carnarvon* and *Merioneth;* and for other Purposes.

cccxxiii. An Act to enable the *Bishop's Castle* Railway Company to make Deviations in their authorized Railway, and a new Line in connexion therewith; to alter the Levels of their authorized Railway; and for other Purposes.

cccxxiv. An Act for enabling the *Brecon and Merthyr Tydfil Junction* Railway Company to acquire the *Hereford, Hay, and Brecon* Railway; and for other Purposes.

cccxxv. An Act for the better Regulation and Management of the Docks and other Works at and near to *Cardiff* of the Trustees and others claiming under the Will of the late Marquess of *Bute;* for authorizing Arrangements with Railway and other Companies; and for other Purposes.

cccxxvi. An Act to confer further Powers upon the *Carnarvon and Llanberis* Railway Company; and for other Purposes.

cccxxvii. An Act to vest in the *Great Northern,* the *Manchester, Sheffield, and Lincolnshire,* and the *Midland* Railway Companies, jointly, the *Stockport and Woodley Junction,* the *Stockport, Timperley, and Altrincham Junction,* the *Cheshire Midland,* the *West Cheshire,* and the *Garston and Liverpool* Railways; and for other Purposes with respect to the said Undertakings.

cccxxviii. An Act to authorize the *Edinburgh and Glasgow* Railway Company to make a Railway from *Glasgow* to *Coatbridge,* and a Junction with the *City of Glasgow Union* Railway; and for other Purposes.

cccxxix. An Act for incorporating a Company for making a Railway, to be called "The *Furness and Lancaster and Carlisle Union* Railway;" and for other Purposes.

cccxxx. An Act for the Amalgamation of the *Leeds, Bradford, and Halifax Junction* Railway Company with the *Great Northern* Railway Company.

cccxxxi. An Act for the Amalgamation of the *West Yorkshire* Railway Company with the *Great Northern* Railway Company.

cccxxxii. An Act for conferring Powers on the *Lancashire and Yorkshire* Railway Company for the Construction of Branch Railways and Works and the Acquisition of Lands; and for other Purposes.

cccxxxiii. An Act for conferring additional Powers on the *London and North-western* Railway Company in relation to their

their own Undertaking and the Undertakings of other Companies in *England;* and for other Purposes.

cccxxxiv. An Act for conferring additional Powers on the *London and North-western* Railway Company in relation to their own Undertaking and the Undertakings of other Companies in *Wales;* and for other Purposes.

cccxxxv. An Act for conferring additional Powers on the *Midland* Railway Company for the Construction of Works, and otherwise in relation to their own Undertaking and the Undertakings of other Companies; and for other Purposes.

cccxxxvi. An Act to repeal the Act relating to the *Moses Gate and Ringley* Branch Turnpike Roads, and to make other Provisions in lieu thereof; and to authorize new Works; and for other Purposes.

cccxxxvii. An Act to authorize the Widening and Extension of the *Nantlle* Railway; and for other Purposes.

cccxxxviii. An Act for making a Railway from *Christian Malford* in the County of *Wilts* to *Beachingstoke* in the same County.

cccxxxix. An Act to authorize the *North Staffordshire* Railway Company to construct certain Railways forming a Loop Line of Railway in the *Staffordshire Potteries;* and for other Purposes.

cccxl. An Act for authorizing the *Peterborough, Wisbeach, and Sutton* Railway Company to extend their Railway to *Crowland;* and for other Purposes.

cccxli. An Act to authorize the Construction of Railways in the County of *Salop,* to be called "The *Shrewsbury and Potteries Junction* Railway;" and for other Purposes.

cccxlii. An Act for authorizing the *Sirhowy* Railway Company to construct a Railway in substitution for the authorized Extension of their Railway to the *Merthyr, Tredegar, and Abergavenny* Railway, and to deviate their authorized Railway in the Parish of *Bedwellty,* and to use Parts of the *Merthyr, Tredegar, and Abergavenny* Railway; and for confirming the Mode in which certain Roads have been crossed or diverted by the Company; and for suspending the Operation of certain Provisions of "The *Sirhowy* Railway Act, 1860," as to Passenger Trains to be run upon the Railways of the Company and the *Monmouthshire* Railway; and for other Purposes.

cccxliii. An Act for authorizing "The *South-eastern* Railway Company" to make new Lines of Railway by way of Extensions of their Railway at *Greenwich, Woolwich,* and *Cranbrook* respectively; to acquire additional Lands; to raise further Monies; and for other Purposes.

cccxliv. An

cccxliv. An Act to authorize the Construction of a Railway in *Essex*, to be called the "*South Essex* Railway."

cccxlv. An Act to authorize the *Strathspey* Railway Company to extend their Railway; and for other Purposes.

cccxlvi. An Act to authorize the *Ryde* Pier Company to construct certain Tramways at *Ryde* in the *Isle of Wight;* and for other Purposes.

cccxlvii. An Act to authorize the *London, Chatham, and Dover* Railway Company to make a short connecting Railway at *Beckenham*, and to abandon certain authorized Lines; to make Provisions as to the working of their Traffic and that of the *South-eastern* Railway Company; to confer further Powers with reference to the *Kent Coast* Railway, and Exemptions from Dues and Privileges at *Broadstairs, Ramsgate*, and *Margate;* and for other Purposes.

cccxlviii. An Act for authorizing the Construction of Railways from *Bury St. Edmunds* in the County of *Suffolk* to *Thetford* in the County of *Norfolk;* and for other Purposes.

cccxlix. An Act to authorize the *Llanelly* Railway and Dock Company to extend their Railway to the *Mumbles*.

cccl. An Act for making a Railway from *Navan* in the County of *Meath* to *Kingscourt* in the County of *Cavan*.

cccli. An Act to authorize the Construction of Railways from *Waterford* to *Dungarvan* in the County of *Waterford*, and from *Lismore* in the County of *Waterford* to *Fermoy* in the County of *Cork;* and for other Purposes.

ccclii. An Act to confer further Powers upon the *Carmarthenshire* Railway Company; and for other Purposes.

cccliii. An Act for making a Railway from the *Great Southern and Western* Railway at *Thurles* to *Clonmel*.

cccliv. An Act to enable the *Chichester and Midhurst* Railway Company to extend their Railway to the *London and South-western* Railway near *Haslemere;* and for other Purposes.

ccclv. An Act for making and maintaining "The *Bedford and Northampton* Railway;" and for other Purposes.

ccclvi. An Act for making an Extension of the *Blane Valley* Railway in the County of *Stirling*, and a Diversion of Part of the said Railway; and for other Purposes.

ccclvii. An Act for the Extension of the *Drayton Junction* Railway to *Bettisfield;* and for other Purposes.

ccclviii. An Act for making a Railway from *Girvan* in the County of *Ayr* to *East Challoch* in the County of *Wigtown;* and for other Purposes.

ccclix. An Act for enabling the *Midland* Railway Company to construct Railways from *Mansfield* to *Southwell*, and from *Mansfield*

Mansfield to *Worksop*, with a Branch to *Staveley*, and other Branches; and for other Purposes.

cccl x. An Act to authorize the Construction of a Railway in the County of *Monmouth*, to be called the "*Newport and Usk* Railway;" and for other Purposes.

cccl xi. An Act to enable the *Northampton and Banbury Junction* Railway Company to make a Branch at *Blisworth*; to raise additional Capital; and for other Purposes.

cccl xii. An Act to enable the *Northampton and Banbury Junction* Railway Company to extend their Railway to *Chipping Norton* and *Blockley*; and for other Purposes.

cccl xiii. An Act to enable the *North-eastern* Railway Company to construct Branch Railways in the North Riding of *Yorkshire*, and abandon Portions of Railway; and for other Purposes.

cccl xiv. An Act for making Railways from the *Newport, Abergavenny*, and *Hereford* Line of the *Great Western* Railway Company at *Pontypool* to *Caerleon*, and to the *Great Western* Railway at or near *Newport*; and for other Purposes.

cccl xv. An Act for authorizing the Company of Proprietors of the *Regent's* Canal to improve their *Limehouse* Basin, and make a new Entrance thereto from the River *Thames*, and a Wharf on the *Thames*, and other Works, at *Limehouse*; for regulating their Capital, and authorizing them to raise further Monies; and for other Purposes.

cccl xvi. An Act for making Railways in *Gloucestershire* to connect certain Railways on the East with Railways on the West of the River *Severn*; and for other Purposes.

cccl xvii. An Act for incorporating a Company for making a Railway, to be called "The *South Wales and Great Western Direct* Railway;" and for other Purposes.

cccl xviii. An Act for the Amalgamation of the Undertakings of the *West Hartlepool* Harbour and Railway Company and the *Cleveland* Railway Company with that of the *North-eastern* Railway Company; and for other Purposes.

cccl xix. An Act to incorporate a Company for making the *Limerick and North Kerry Junction* Railway; and for other Purposes.

cccl xx. An Act for authorizing the *Bodmin and Wadebridge* Railway Company to improve the Line of their Railway, and to abandon Portions thereof, and to raise further Monies; and for authorizing Arrangements between them and other Railway Companies; and for other Purposes.

cccl xxi. An Act to enable the *Mid-Wales* Railway Company to make Extensions to the Westward, and to abandon the Formation of the *Llanguric* Branch authorized to be made by "The

"The *Mid-Wales* Railway (*Llangurig* Branch, &c.) Act, 1863;" and for other Purposes.

cccl.xxii. An Act for authorizing the *West London* Docks and Warehouses Company to extend their Limits of Deviation; to divert or stop up Roads; to alter and vary their Rates and Duties and Rates of Interest; to change their Name; to raise further Monies; and for other Purposes.

cccl.xxiii. An Act for making a Railway from the *Cornwall* Railway near *Saltash* to the *Tamar Kit Hill and Callington* Railway at *Callington* in the County of *Cornwall*.

cccl.xxiv. An Act for authorizing the *Launceston, Bodmin, and Wadebridge Junction* Railway Company to make an Extension Railway from the *Bodmin and Wadebridge Junction* Railway at *Ruthern Bridge* to the *Cornwall* Railway at *Truro*, and to raise further Monies; and for changing the Name of the Company; and for other Purposes.

cccl.xxv. An Act to authorize the Construction of a Railway from the *North Kent* Railway to the *Medway*, and of a Pier in that River; and for other Purposes.

cccl.xxvi. An Act to authorize the Construction of a Railway in the County of *Glamorgan*, to be called "The *Afon Valley* Railway;" and for other Purposes.

cccl.xxvii. An Act to authorize the Construction of a Dock and other Works at or near *Newport* on the Western Side of the River *Usk*, to be called "The *Alexandra* Dock," and of Railways to connect the same with neighbouring Railways; and for other Purposes.

cccl.xxviii. An Act for authorizing the *Manchester, Sheffield, and Lincolnshire* Railway Company to make a Railway to *Liverpool;* and for other Purposes.

cccl.xxix. An Act for making certain Railways from the *London, Brighton, and South Coast* Railway to the *East Grinstead, Groombridge, and Tunbridge Wells* Railway, and to the *Brighton, Uckfield, and Tunbridge Wells* Railway; and for other Purposes.

cccl.xxx. An Act to authorize the Construction of a Railway from the *South Wales* Railway to *Fishguard Bay*, and of a Harbour there; and for other Purposes.

cccl.xxxi. An Act to extend the Time limited for the Purchase of Lands and Completion of Works by the Acts relating to the *Waterford and Passage* Railway Company.

cccl.xxxii. An Act to authorize the Construction of Railways in and near *Dublin*, to be called "The *Dublin Metropolitan Junction* Railways."

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act to enlarge and amend the Powers and Provisions relating to the Management and Improvement of the Property subject to the Trusts of the Will of the Most Noble *Francis* late Duke of *Bridgewater*.
2. An Act for modifying the Trusts of the Settled Estates of the Right Honourable *George James* Earl of *Winchilsea and Nottingham*, declared by his Marriage Settlement, and to take effect during his Lifetime, and of which the Short Title is "Earl of *Winchilsea's* Estate Act, 1865."
3. An Act for the better carrying into effect of "Baroness *Windsor's* Estate Act, 1857."
4. An Act for amending, extending, and enlarging the Powers and modifying certain Conditions as to Residence contained in the Will and Codicils of the Right Honourable *John* Lord *Rolle* deceased.
5. An Act for confirming an Agreement between the Right Honourable *Charles Morgan Robinson* Lord *Tredegar* and Promoters of the *Alexandra* Dock Company for the Conveyance to the Company of Lands forming Part of his Settled Estates, and the making by Trustees of the Settlement of the Estates out of Trust Monies subject to the Settlement of a Contribution towards the Capital of the Company; and for other Purposes; and of which the Short Title is "Lord *Tredegar's* Estate Act, 1865."
6. An Act for confirming Sales of Parts of an Estate called *Garthmeilio*, belonging to *John Wynne* Esquire, who has been found a Lunatic by Inquisition, and for authorizing the Sale of further Parts of the same Estate for the Purpose of paying Costs incurred in the Matter of his Lunacy, and certain of his private Debts.
7. An Act for enabling the Testamentary Trustees of Sir *William Francis Eliott* of *Stobs* and *Wells*, Baronet, deceased, to sell the Trust Estates or Parts thereof for the Purpose of paying off or providing for the Payment of the Debts which affect or which may be made to affect the same, and for other Purposes in relation thereto.

8. An

8. An Act to authorize the borrowing of Money on the Security of the Entailed Estate of *Downie Park* in the County of *Forfar*, or the Sale of a Portion of the Estate, for the Purpose of paying the Debts and Legacies affecting the same.
9. An Act for authorizing Sales of Fisheries and Rights of Fishing and other Hereditaments by the Provost of the College of the *Holy and Undivided Trinity* of Queen *Elizabeth* near *Dublin* in his Corporate Capacity; and for other Purposes.

PRIVATE ACT,

NOT PRINTED.

10. An Act to enable *Abraham Edwards* Clerk to exercise his Office of a Priest, and to hold any Benefice or Preferment in the United Church of *England* and *Ireland*.

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S. „ „ „ Scotland.
I. „ „ „ Ireland.
E. & I. „ „ „ England and Ireland.
G. B. „ „ „ Great Britain.
G. B. & I. „ „ Great Britain and Ireland.
U. K. „ „ „ The whole of the United Kingdom.

Cap. Relating to

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Admiralty; for consolidating certain Enactments relating to the Admiralty . . . . . 124. U. K.
——— to repeal Enactments relating to Powers of the Commissioners of the Admiralty, and to various Matters under the Control of the Admiralty . . . . . 112. U. K.
——— to enable the Admiralty to contract for certain Works in connexion with the Extension of Her Majesty's Dockyards [at Portsmouth and Chatham] . . . . . 51. E.
——— *See also* Harbours. Marines. Naval Discipline.
Advances for the Public Service. *See* Bank of Ireland.
Affirmations; to allow Affirmations or Declarations to be made

	Cap.	Relating to
instead of Oaths in all Civil and Criminal Proceedings in Scotland	9.	S.
Annexation of Tithes; for facilitating the Annexation of Tithes to District Churches	42.	E.
Application of Aids. *See* Consolidated Fund.		
Application of Sewage; for facilitating the more useful Application of Sewage in Great Britain and Ireland	75.	G. B. & I.
Appropriation of Supplies; to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year ending 31st March 1866, and to appropriate the Supplies granted in this Session of Parliament	123.	U. K.
Army; for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters	11.	U. K.
Arrangements for Relief of Turnpike Trusts. *See* Turnpike Trusts, &c.		
Arsenals. *See* Royal Arsenals, &c.		
Audit of Public Accounts; to consolidate the Offices of Comptroller General of the Exchequer and Chairman of the Commissioners for auditing the Public Accounts; and for other Purposes	93.	U. K.
Augmentation of Benefices. *See* Benefices.		
Ayr Burghs; to shorten the Time for the Election of Members to serve in Parliament for the Ayr District of Burghs	92.	S.
Ballots for the Militia; to suspend the making of Lists and the Ballots for the Militia of the United Kingdom	46.	G. B. & I.
Bank of Ireland; to make further Provision for the Management of the Unredeemed Public Debt in Ireland, and for the Reduction of the Interest payable on certain Sums advanced by the Bank of Ireland for the Public Service	16.	G. B. & I.
Bankruptcy and Insolvency; to amend the Irish Bankrupt and Insolvent Act, 1857 (20 & 21 Vict. c. 60.)	21.	I.
Barristers. *See* Revising Barristers.		
Belfast; to alter the Distribution of the Constabulary Force in Ireland, and to make better Provision for the Police Force in the Borough of Belfast	70.	I.
Beneficed Clergy; further to amend and render more effectual the Law for providing fit Houses for the Beneficed Clergy, and for other Purposes.	69.	E.
Benefices; to amend "The Endowment and Augmentation of Small Benefices (Ireland) Act, 1860" (23 & 24 Vict. c. 72.)	82.	I.
Bills, Private; for awarding Costs in certain Cases of Private Bills	27.	U. K.
Board of Trade. *See* Harbours.		
Bonds, Exchequer; for raising the Sum of £1,000,000 by Exchequer Bonds for the Service of the Year 1865	29.	U. K.
Borough Police. *See* County and Borough Police.		
Bradford. *See* Local Government.		
Bridlington. *See* Local Government.		
Brighouse. *See* Local Government.		
British Kaffraria, for the Incorporation of the Territories of, with the Colony of the Cape of Good Hope	5.	U. K.
British Spirits. *See* Spirits.		
Bromsgrove. *See* Local Government.		
Burghs, Ayr District of; to shorten the Time for the Election of Members to serve in Parliament for the Ayr District of Burghs	92.	S.
Burnley. *See* Local Government.		
Bury. *See* Local Government.		
Cape of Good Hope; for the Incorporation of the Territories of British Kaffraria with the Colony of the Cape of Good Hope	5.	U. K.

	Cap.	Relating to
Cardiff. *See* Local Government		
Carrickfergus. *See* Piers and Harbours.		
Carriers; to amend the Carriers Act (11 Geo. 4. & 1 Will. 4. c. 68)	94.	G. B. & I.
Central Arsenal, &c. *See* Royal Arsenals, &c.		
Chairman of Public Audit. *See* Comptroller of the Exchequer.		
Chancery (Lancaster); to extend to the Court of Chancery of the County Palatine of Lancaster certain of the Provisions of the Act 23 & 24 Vict. c. 145, to give to Trustees, Mortgagees, and others certain Powers now commonly inserted in Settlements, Mortgages, and Wills	40.	E.
Chapels, &c.; to provide for the Exemption of Churches and Chapels in Scotland from Poor Rates	62.	S.
Charge for Relief of the Poor; to provide for the better Distribution of the Charge for the Relief of the Poor in Unions	79.	E.
Chatham Dockyard. *See* Dockyards.		
Churches and Chapels, to provide for the Exemption of, in Scotland, from Poor Rates	62.	S.
Churches, District. *See* Annexation of Tithes.		
Civil Bill Courts Procedure; to amend certain clerical Errors in the Civil Bill Courts Procedure Amendment Act (Ireland), 1864, (27 & 28 Vict. c. 99.)	1.	I.
Civil and Criminal Proceedings. *See* Affirmations.		
Claims for Compensation. *See* Isle of Man.		
Clergy; further to amend and render more effectual the Law for providing fit Houses for the Beneficed Clergy, and for other Purposes	69.	E.
Clerical Subscription; to amend the Law as to the Subscriptions and Declarations to be made and Oaths to be taken by the Clergy of the Established Church of England and Ireland	122.	E. & I.
Clevedon. *See* Piers and Harbours.		
Cockermouth. *See* Local Government.		
Colonial Docks; to authorize Loans in aid of the Construction of Docks in British Possessions	106.	U. K.
Colonial Governors, to authorize the Payment of Retiring Pensions to	113.	U. K.
Colonial Laws, to remove Doubts as to the Validity of	63.	U. K.
Colonial Marriages; to remove Doubts respecting the Validity of certain Marriages contracted in her Majesty's Possessions abroad	64.	U. K.
Colonial Naval Defence; to make better Provision for the Naval Defence of the Colonies	14.	U. K.
Commissioners of the Admiralty; to repeal Enactments relating to Powers of the Commissioners of the Admiralty, and to various Matters under the Control of the Admiralty	112.	U. K.
Commissioners of Public Works; for transferring the Ulster Canal to the Commissioners of the Public Works in Ireland.	109.	I.
Commissioners of Supply; to authorize the Alteration of the Time for holding Statutory Meetings of Commissioners of Supply in Scotland	38.	S.
Common Law Courts; to provide for the Collection by means of Stamps of Fees payable in the Superior Courts of Law at Westminster, and in the Offices belonging thereto	45.	E.
Commons Inclosure; to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales	20. 39.	E.
Companies. *See* Mortgage Debentures.		
Compensations (Isle of Man Disafforestation); to authorize certain Payments out of the Land Revenues of the Crown to provide Compensation for certain Claims in the Isle of Man	28.	U. K.
Compound Spirits Warehousing; to allow British Compounded Spirits to be warehoused upon Drawback	98.	U. K.

	Cap.	Relating to
Comptroller of the Exchequer; to consolidate the Offices of Comptroller General of the Exchequer and Chairman of the Commissioners for auditing the Public Accounts	93.	U. K.
Concentration of Courts of Justice. *See* Courts of Justice.		
Confirmation of Provisional Orders. *See* Drainage and Improvement of Lands. Local Government. Piers and Harbours. Pilotage. Turnpike Trusts, &c.		
Consolidated Fund; to apply the Sum of 175,650*l.* out of the Consolidated Fund to the Service of the Year ending the 31st March 1865	4.	U. K.
——— to apply the Sum of 15,000,000*l.* out of the Consolidated Fund to the Service of the Year 1865	10.	U. K.
——— to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year ending 31st March 1866, and to appropriate the Supplies granted in this Session of Parliament	123.	U. K.
Constabulary Force; to alter the Distribution of the Constabulary Force in Ireland, and to make better Provision for the Police Force in the Borough of Belfast	70.	I.
Construction of Docks. *See* Docks.		
Costs (Private Bills); for awarding Costs in certain Cases of Private Bills	27.	U. K.
Counties of Towns. *See* Lunatic Asylums.		
County Courts; to confer on the County Courts a limited Jurisdiction in Equity	99.	E.
County Voters; to amend the Law relating to the Registration of County Voters, and to the Powers and Duties of Revising Barristers in certain Cases	36.	E.
County and Borough Police; to amend the Law relating to the Police Superannuation Funds in Counties and Boroughs	35.	E.
County of Sussex; to make better Provision respecting the Transaction of County Business and the Administration of Justice at Quarter Sessions in the County of Sussex; and to confirm certain Proceedings of the Justices of the said County	37.	E.
Courts of Justice; to supply Means towards defraying the Expenses of providing Courts of Justice and the various Offices belonging thereto; and for other Purposes	48.	E.
——— to enable the Commissioners of Her Majesty's Works and Public Buildings to acquire a Site for the Erection and Concentration of Courts of Justice, and of the various Offices belonging to the same	49.	E.
Criminal Proceedings. *See* Affirmations. Evidence, Law of.		
Crown Suits, &c.; to amend the Procedure and Practice in Crown Suits in the Court of Exchequer at Westminster; and for other Purposes	104.	E.
Customs and Inland Revenue; to grant certain Duties of Customs and Inland Revenue [Tea; Fire Insurance; Income Tax]	30.	U. K.
——— to allow British Compounded Spirits to be warehoused upon Drawback	98.	U. K.
——— to amend the Law relating to the Duties on Sugar, and the Drawbacks on those Duties	95.	U. K.
Debentures; to enable certain Companies to issue Mortgage Debentures founded on Securities upon or affecting Land, and to make Provision for the Registration of such Mortgage Debentures and Securities	78.	E.
——— for authorizing Transferable Debentures to be charged upon Land in Ireland	101.	I.
Declarations; to allow Affirmations or Declarations to be made instead of Oaths in all Civil and Criminal Proceedings in Scotland	9.	S.
——— to amend the Law as to the Subscriptions and Declarations		

	Cap.	Relating to
to be made and Oaths to be taken by the Clergy of the Established Church of England and Ireland . . .	122.	E. & I.
Defence Act, 1860; to explain "The Defence Act, 1860" (23 & 24 Vict. c. 112.)	65.	G. B. & I.
Defence of the Colonies; to make better Provision for the Naval Defence of the Colonies	14.	U. K.
Derby. *See* Local Government.		
Desertion. *See* Mutiny.		
Devon (County). *See* Railway, &c.		
Disafforestation (Isle of Man); to authorize certain Payments out of the Land Revenues of the Crown to provide Compensation for certain Claims in the Isle of Man	28.	U. K.
Discipline, Naval; to amend "The Naval Discipline Act, 1864" (27 & 28 Vict. c. 119.)	115.	U. K.
Disembodied Militia. *See* Militia.		
District Church Tithes; for facilitating the Annexation of Tithes to District Churches	42.	E.
Docks, Colonial; to authorize Loans in aid of the Construction of Docks in British Possessions	106.	U. K.
Dockyards; to enable the Admiralty to contract for certain Works in connexion with the Extension of Her Majesty's Dockyards [at Portsmouth and Chatham]	51.	E.
——— for providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of Dover and Portland, and of creating a Central Arsenal	61.	U. K.
——— for the Regulation of Dockyard Ports . . .	125.	G. B. & I.
Dogs; to render Owners of Dogs in England and Wales liable for Injuries to Cattle and Sheep	60.	E.
——— for regulating the keeping of Dogs, and for the Protection of Sheep and other Property from Dogs, in Ireland . .	50.	I.
Dover. *See* Fortifications.		
Downing Street Public Offices; to enable the Commissioners of Her Majesty's Works and Public Buildings to acquire additional Lands for improving the Site of the new Public Offices in Downing Street and the Approaches thereto . .	31.	E.
Drainage of Land; to confirm a Provisional Order under "The Land Drainage Act, 1861" (24 & 25 Vict. c. 133.) . .	23.	E.
——— to amend "The Drainage and Improvement of Lands Acts (Ireland)" (26 & 27 Vict. c. 88, and 27 & 28 Vict. c. 72) and to afford further facilities for the Purposes thereof . .	52.	I.
——— to confirm certain Provisional Orders under "The Drainage and Improvement of Lands Act (Ireland), 1863" (26 & 27 Vict. c. 88), and the Act amending the same . .	13.	I.
——— to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863" (26 & 27 Vict. c. 88), and the Act amending the same	53.	I.
Drainage (Metropolis); to extend the Period for borrowing the Sum authorized to be raised under the Metropolitan Main Drainage Extension Act, 1863 (26 & 27 Vict. c. 68) . .	19.	E.
Drawbacks. *See* Sugar Duties.		
Dublin; to amend the Acts (17 & 18 Vict. c. 99 and 18 & 19 Vict. c. 44) for the Establishment of a National Gallery in Dublin	71.	I.
——— to extend the Powers now vested in Justices of the Peace to grant Licences to deal in Game to the Divisional Magistrates within the Police District of Dublin Metropolis .	2.	I.
——— for the Protection of Inventions and Designs exhibited at the Dublin International Exhibition for the Year 1865 .	6.	I.
Duties, Rates, and Taxes. *See* Customs and Inland Revenue. Excise. Poor.		

East India (Governor General's Powers, &c.); to enlarge the

	Cap.	Relating to
Powers of the Governor General of India in Council at Meetings for making Laws and Regulations, and to amend the Law respecting the Territorial Limits of the several Presidencies and Lieutenant Governorships in India	17.	U. K.
East India (High Courts); to extend the Term for granting fresh Letters Patent for the High Courts in India, and to make further Provision respecting the Territorial Jurisdiction of the said Courts	15.	U. K.
Eastbourne. *See* Piers and Harbours.		
Eastbury (Berks); to render valid Marriages heretofore solemnized in the Chapel of Ease called Saint James-the-Greater Chapel, Eastbury, in the Parish of Lamborne (Berks)	81.	E.
Ecclesiastical Commission; to enable the Ecclesiastical Commissioners for England to grant Superannuation Allowances to Persons employed in their Service	68.	E.
Ecclesiastical Leasing; to amend certain Provisions in "The Ecclesiastical Leasing Act, 1858," (21 & 22 Vict. c. 57.)	57.	E.
Election Petitions; to amend "The Election Petitions Act, 1848," (11 & 12 Vict. c. 98.) in certain Particulars	8.	G. B. & I.
Elections. *See* Ayr Burghs.		
Employments, &c., Qualifications for. *See* Indemnity.		
Endowment of Benefices; to amend "The Endowment and Augmentation of Small Benefices (Ireland) Act, 1860," (23 & 24 Vict. c. 72.)	82.	I.
Equitable Jurisdiction of County Courts; to confer on the County Courts a limited Jurisdiction in Equity	99.	E.
Established Church. *See* Clerical Subscription.		
Evidence, Law of; for amending the Law of Evidence and Practice on Criminal Trials	18.	E. & I.
Exchequer; to consolidate the Offices of Comptroller General of the Exchequer and Chairman of the Commissioners for auditing the Public Accounts; and for other Purposes	93.	U. K.
Exchequer Bonds; for raising the Sum of £1,000,000 by Exchequer Bonds for the Service of the Year 1865	29.	U. K.
Exchequer, Court of; to amend the Procedure and Practice in Crown Suits in the Court of Exchequer at Westminster, and for other Purposes	104.	E.
Excise; to allow the charging of the Excise Duty on Malt according to the Weight of the Grain used	66.	G. B. & I.
——— to allow British Compound Spirits to be warehoused upon Drawback	98.	U. K.
——— *See also* Inland Revenue.		
Exhibitions, Industrial; for the Protection of Inventions and Designs exhibited at certain Industrial Exhibitions in the United Kingdom	3.	G. B. & I.
——— for the Protection of Inventions and Designs exhibited at the Dublin International Exhibition for the Year 1865	6.	I.
Expiring Laws Continuance; for continuing various expiring Acts	119.	U. K.
Falmouth, to provide for the Discontinuance of a separate Court of Quarter Sessions and a separate Gaol in the Borough of	103.	E.
Fees in Common Law Courts; to provide for the Collection by means of Stamps of Fees payable in the Superior Courts of Law at Westminster, and in the Offices belonging thereto	45.	E.
Felony and Misdemeanor; for amending the Law of Evidence and Practice on Criminals Trials	18.	E. & I.
Fire Brigade; for the Establishment of a Fire Brigade within the Metropolis	90.	E.
Fire Insurance. *See* Customs and Inland Revenue.		
Fisheries; to amend the Acts 23 and 24 Vict. c. 92. and 24 & 25 Vict. c. 72. relating to the Scottish Herring Fisheries	22.	G. B.

	Cap.	Relating to
Fisheries; to amend the Salmon Fishery Act, 1861, (24 & 25 Vict. c. 109.)	121.	E.
Foreign Jurisdiction; to explain the Foreign Jurisdiction Act (6 & 7 Vict. c. 94.)	116.	U. K.
Fortifications; for providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of Dover and Portland, and of creating a Central Arsenal	61.	U. K.
——— to explain the Defence Act, 1860, (23 & 24 Vict. c. 112.)	65.	G. B. & I.
Furnaces; to amend 20 & 21 Vict. c. 73., for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland, and the Act 24 and 25 Vict. c. 17. to amend the said Act	102.	S.
Gallery, National. *See* Dublin.		
Game; to alter the Days between which Pheasants may not be killed in Ireland	54.	I.
Game Licences; to extend the Powers now vested in Justices of the Peace to grant Licences to deal in Game to the Divisional Magistrates within the Police District of Dublin Metropolis	2.	I.
Gaol at Falmouth; to provide for the Discontinuance of a separate Court of Quarter Sessions and a separate Gaol in the Borough of Falmouth	103.	E.
Gaols. *See* Prisons.		
General Pier and Harbour Act. *See* Piers and Harbours.		
General Police, &c. Act, 1862; to confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," (25 & 26 Vict. c. 101.) relating to the Burgh of Perth	7.	S.
General Post Office; to enable Her Majesty's Postmaster General to acquire a Site for the Extension of the General Post Office in St Martin's-le-Grand, in the City of London	87.	E.
Girvan. *See* Piers and Harbours.		
Gloucester. *See* Local Government.		
Government of Greenwich Hospital; to provide for the better Government of Greenwich Hospital, and the more beneficial Application of the Revenues thereof	89.	U. K.
Governor General of India; to enlarge the Powers of the Governor General of India in Council at Meetings for making Laws and Regulations, and to amend the Law respecting the Territorial Limits of the several Presidencies and Lieutenant Governorships in India	17.	U. K.
Governors of Colonies, to authorize the Payment of Retiring Pensions to	113.	U. K.
Greenwich Hospital; to provide for the better Government of Greenwich Hospital, and the more beneficial Application of the Revenues thereof	89.	U. K.
Guilford. *See* Local Government.		
Harbours; to transfer from the Admiralty to the Board of Trade Powers and Duties relative to certain Harbours	100.	E.
——— *See also* Harwich Harbour. Kingstown. Piers and Harbours.		
Harwich Harbour; to amend the Acts 26 & 27 Vict. c. 71, and 27 & 28 Vict. c. 102, relating to the Preservation and Improvement of Harwich Harbour	120.	E.
Hastings. *See* Local Government. Piers and Harbours.		
Heap. *See* Local Government.		
Henley. *See* Local Government.		
Herne Bay. *See* Piers and Harbours.		
Herring Fisheries; to amend the Acts 23 & 24 Vict. c. 92, and 24 & 25 Vict. c. 72, relating to the Scottish Herring Fisheries	22.	G. B.
High Courts in India; to extend the Term for granting fresh Letters Patent for the High Courts in India, and to make further		

	Cap.	Relating to
Provision respecting the Territorial Jurisdiction of the said Courts	15.	U. K.
Houseless Poor; to make the Metropolitan Houseless Poor Act (27 & 28 Vict. c. 116.) perpetual	34.	E.
Improvement of Lands; to amend "The Drainage and Improvement of Lands Acts (Ireland)," (26 & 27 Vict. c. 88. and 27 & 28 Vict. c. 72.,) and to afford further Facilities for the Purposes thereof	52.	I.
——— to confirm certain Provisional Orders under "The Drainage and Improvement of Lands Act (Ireland), 1863," (26 & 27 Vict. c. 88.,) and the Act amending the same	13.	I.
——— to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," (26 & 27 Vict. c. 88.,) and the Act amending the same	53.	I.
Inclosure of Lands; to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales	20.	39. E.
Income Tax. *See* Inland Revenue.		
Incumbent of Rochdale. *See* Rochdale Vicarage.		
Indemnity; to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively	97.	G. B. & I.
India; to extend the Term for granting fresh Letters Patent for the High Courts in India, and to make further Provision respecting the Territorial Jurisdiction of the said Courts	15.	U. K.
——— to enlarge the Powers of the Governor General of India in Council at Meetings for making Laws and Regulations, and to amend the Law respecting the Territorial Limits of the several Presidencies and Lieutenant Governorships in India	17.	U. K.
India Office; to enable the Secretary of State in Council of India to acquire additional Lands for improving the Site of the India Office and the Approaches thereto	32.	E.
Industrial Exhibitions; for the Protection of Inventions and Designs exhibited at certain Industrial Exhibitions in the United Kingdom	3.	G. B. & I.
——— for the Protection of Inventions and Designs exhibited at the Dublin International Exhibition	6.	I.
Inland Revenue; to amend the Laws relating to the Inland Revenue	96.	G. B. & I.
——— to grant certain Duties of Customs and Inland Revenue [Tea; Fire Insurance; Income Tax]	30.	U. K.
Insolvency; to amend the Irish Bankrupt and Insolvency Act, 1857 (20 & 21 Vict. c. 60.)	21.	I.
International Exhibition (Dublin); for the Protection of Inventions and Designs exhibited at the Dublin International Exhibition for the Year 1865	6.	I.
Inventions and Designs; for the Protection of Inventions and Designs exhibited at certain Industrial Exhibitions in the United Kingdom	3.	G. B. & I.
——— for the Protection of Inventions and Designs exhibited at the Dublin International Exhibition for the Year 1865	6.	I.
Ireland, Acts relating specially to. *See* Bankruptcy and Insolvency. Belfast. Benefices. Civil Bill Courts Procedure. Constabulary Force. Debentures. Dogs. Drainage of Land. Dublin. Game. Game Licences. Irish Bankrupt and Insolvent Act. Kingstown. Land Debentures. Land Drainage. Land, Titles to. Married Women's Property. National Gallery, Dublin. Peace Preservation. Pheasants. Police. Poor. Procedure. Public Works. Record of Title. Sheep. Small		

	Cap.	Relating to
Benefices. Superannuations. Titles to Land. Ulster Canal. Union Officers. Vagrancy.		
Irish Bankrupt and Insolvent Act; to amend the Irish Bankrupt and Insolvent Act, 1857 (20 & 21 Vict. c. 60.)	21.	I.
Isle of Man (Disafforestation); to authorize certain Payments out of the Land Revenues of the Crown to provide Compensation for certain Claims in the Isle of Man	28.	U. K.
Jurisdiction, Foreign; to explain the Foreign Jurisdiction Act (6 & 7 Vict. c. 94.)	116.	U. K.
Jurisdiction of County Courts; to confer on the County Courts a limited Jurisdiction in Equity	99.	E.
Justice, Administration of. *See* Affirmations. Bankruptcy and Insolvency. Chancery (Lancaster). Civil Bill Courts Procedure. Common Law Courts. County Courts. County of Sussex. Courts of Justice. Crown Suits. East India. Election Petitions. Evidence. Exchequer. Felony and Misdemeanor. Foreign Jurisdiction. Justices Proceedings. Laws, Colonial. Married Women's Property. Peace Preservation. Penalties. Procurators. Trespass. Trustees, &c. Vagrancy.		
Justice, Courts of; to supply Means towards defraying the Expenses of providing Courts of Justice and the various Offices belonging thereto; and for other Purposes	48.	E.
——— to enable the Commissioners of Her Majesty's Works and Public Buildings to acquire a Site for the Erection and Concentration of Courts of Justice, and of the various Offices belonging to the same	49.	E.
Justices Proceedings Confirmation; to make better Provision respecting the Transaction of County Business and the Administration of Justice at Quarter Sessions in the County of Sussex; and to confirm certain Proceedings of the Justices of the said County	37.	E.
Kaffraria, for the Incorporation of the Territories of British Kaffraria with the Colony of the Cape of Good Hope	5.	U. K.
Kingston-upon-Hull. *See* Local Government.		
Kingstown, to amend the Acts relating to the Harbour of	67.	I.
Lamborne (Berks); to render valid Marriages heretofore solemnized in the Chapel of Ease called Saint James-the-Greater Chapel, Eastbury, in the Parish of Lamborne (Berks)	81.	E.
Lancaster Court of Chancery; to extend to the Court of Chancery of the County Palatine of Lancaster certain of the Provisions of the Act 23 & 24 Vict. c. 145., to give to Trustees, Mortgagees, and others certain Powers now commonly inserted in Settlements, Mortgages, and Wills	40.	E.
Land Debentures; authorizing Transferable Debentures to be charged upon Land in Ireland	101.	I.
Land Drainage; to confirm a Provisional Order under "The Land Drainage Act, 1861" (24 & 25 Vict. c. 133.)	23.	E.
——— to amend "The Drainage and Improvement of Lands Acts (Ireland)," (26 & 27 Vict. c. 88. and 27 and 28 Vict. c. 72.) and to afford further Facilities for the Purposes thereof	52.	I.
——— to confirm certain Provisional Orders under "The Drainage and Improvement of Lands Act (Ireland), 1863," (26 and 27 Vict. c. 88.) and the Act amending the same	13.	I.
——— to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," (26 & 27 Vict. c. 88.) and the Act amending the same	53.	I.
Land Revenues of the Crown. *See* Compensations, &c.		
Land, Titles to; for the recording of Titles to Land in Ireland	88.	I.
Lands, Inclosure of; to authorize the Inclosure of certain Lands,		

	Cap.	Relating to
in pursuance of a Report of the Inclosure Commissioners for England and Wales	20.	39. E.
Law of Evidence; for amending the Law of Evidence and Practice on Criminal Trials	18.	E. & I.
Law of Partnership; to amend the Law of Partnership	86.	G. B. & I.
Laws, Colonial; to remove Doubts as to the Validity of Colonial Laws	63.	U. K.
Leasing, Ecclesiastical; to amend certain Provisions in "The Ecclesiastical Leasing Act, 1858" (21 & 22 Vict. c. 57.)	57.	E.
Letters Patent. *See* High Courts in India.		
Licences, Game; to extend the Powers now vested in Justices of the Peace to grant Licences to deal in Game to the Divisional Magistrates within the Police District of Dublin Metropolis	2.	I.
Lists and Ballots for the Militia. *See* Militia.		
Llandrillo. *See* Piers and Harbours.		
Llangollen. *See* Local Government.		
Loans. *See* Colonial Docks.		
Local Government; to confirm certain Provisional Orders under "The Local Government Act, 1858," (21 and 22 Vict. c. 98.,) relating to the Districts of Bridlington, Brighouse, Burnley, Henley, Shipley, Wallingford, Llangollen, Ormskirk, Swansea, Tormoham, and Lockwood	24.	E.
—— to confirm certain Provisional Orders under "The Local Government Act, 1858," (21 & 22 Vict. c. 98.,) relating to the Districts of Derby, Ramsgate, Oswestry, Bury, Heap, Cockermouth, Matlock Bath, and Bromsgrove	25.	E.
—— to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of Sheffield, Bradford, and Gloucester	41.	E.
—— to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of Nottingham, Rusholme, Plymouth, Redcar, Cardiff, Kingston-upon-Hull, Guildford, Ramsgate, Ryde, Workington, and Oxford, and for other Purposes relative to certain Districts under the said Act	108.	E.
—— to confirm a certain Provisional Order under "The Local Government Act, 1858," relating to the Hastings District	110.	E.
Lockwood. *See* Local Government.		
Locomotives on Roads; further regulating the Use of Locomotives on Turnpike and other Roads, for agricultural and other Purposes	83.	G. B. & I.
Lunatic Asylums; to explain and amend "The Lunatic Asylum Act, 1853," (16 & 17 Vict. c. 97.,) and "The Lunacy Act Amendment Act, 1862," (25 & 26 Vict. c. 111.,) with reference to Counties of Towns which have Courts of Quarter Sessions, but no Recorder	80.	E.
Main Drainage (Metropolis); to extend the Period for borrowing the Sum authorized to be raised under the Metropolitan Main Drainage Extension Act, 1863 (26 & 27 Vict. c. 68.)	19.	E.
Maldon. *See* Piers and Harbours.		
Malt, to allow the charging of the Excise Duty on, according to the Weight of the Grain used	66.	G. B. & I.
Marines; for the Regulation of Her Majesty's Royal Marine Forces while on shore	12.	U. K.
—— for regulating the Payment of Naval and Marine Pay and Pensions	73.	U. K.
—— to make better Provision respecting Wills of Seamen and Marines of the Royal Navy and Marines	72.	U. K.
—— to regulate the Disposal of Money and Effects under the Control of the Admiralty, belonging to deceased Officers,		

	Cap.	Relating to
Seamen, and Marines of the Royal Navy and Marines, and other Persons	111.	U. K.
Marriages Validity; to render valid Marriages heretofore solemnized in the Chapel of Ease called Saint James-the-Greater Chapel, Eastbury, in the Parish of Lamborne (Berks)	81.	E.
——— to remove Doubts respecting the Validity of certain Marriages contracted in Her Majesty's Possessions abroad	64.	U. K.
Married Women's Property; to provide for the Security of Property of Married Women separated from their Husbands in Ireland	43.	I.
Matlock Bath. *See* Local Government.		
Meetings of Commissioners of Supply; to authorize the Alteration of the Time for holding Statutory Meetings of Commissioners of Supply in Scotland	38.	S.
Merchant Shipping Act. *See* Pilotage.		
Metropolitan Fire Brigade; for the Establishment of a Fire Brigade within the Metropolis	90.	E.
Metropolitan Houseless Poor; to make the Metropolitan Houseless Poor Act (27 & 28 Vict. c. 116.) perpetual	34.	E.
Metropolitan Main Drainage; to extend the Period for borrowing the Sum authorized to be raised under the Metropolitan Main Drainage Extension Act, 1863 (26 & 27 Vict. c. 68.)	19.	E.
Mevagissey. *See* Piers and Harbours.		
Militia; to suspend the making of Lists and the Ballots for the Militia of the United Kingdom	46.	G. B. & I.
——— to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers	47.	G. B. & I.
Misdemeanor. *See* Felony and Misdemeanor.		
Mortgage Debentures; to enable certain Companies to issue Mortgage Debentures founded on Securities upon or affecting Land, and to make Provision for the Registration of such Mortgage Debentures and Securities	78.	E.
Mortgagees. *See* Trustees, Mortgagees, &c.		
Mutiny; for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters	11.	U. K.
—— ——— for the Regulation of Her Majesty's Royal Marine Forces while on shore	12.	U. K.
National Gallery, Dublin; to amend the Acts 17 & 18 Vict. c. 99. and 18 & 19 Vict. c. 44. for the Establishment of a National Gallery in Dublin	71.	I.
Naval Defence of the Colonies, to make better Provision for the	14.	U. K.
Naval Discipline—Navy and Marines; to amend The Naval Discipline Act, 1864 (27 & 28 Vict. c. 119.)	115.	U. K.
——— for regulating the Payment of Naval and Marine Pay and Pensions	73.	U. K.
——— to make better Provision respecting Wills of Seamen and Marines of the Royal Navy and Marines	72.	U. K.
——— to regulate the Disposal of Money and Effects under the Control of the Admiralty, belonging to deceased Officers, Seamen, and Marines of the Royal Navy and Marines, and other Persons	111.	U. K.
——— *See also* Admiralty. Mutiny.		
Northam. *See* Piers and Harbours.		
Nottingham. *See* Local Government.		

	Cap.	Relating to
Oaths. *See* Affirmations. Clerical Subscription.		
Officers. *See* Army. Militia. Naval Discipline.		
Officers of Unions. *See* Superannuation.		
Offices, Qualifications for. *See* Indemnity.		
Ormskirk. *See* Local Government.		
Oswestry. *See* Local Government.		
Oxford. *See* Local Government.		
Oxford University; to empower the University of Oxford to make Statutes as to the Vinerian Foundation in that University	55.	E.
Parsonages; to amend and render more effectual the Law for providing fit Houses for the Beneficed Clergy; and for other Purposes	69.	E.
Partnership, to amend the Law of	86.	G. B. & I.
Pay. *See* Army. Militia. Naval Discipline.		
Peace Preservation; to continue and amend the Peace Preservation (Ireland) Act, 1856 (19 & 20 Vict. c. 36.)	118.	I.
Penalties; to amend the Law relating to small Penalties	127.	E.
Pensarn. *See* Piers and Harbours.		
Pensions; to authorize the Payment of Retiring Pensions to Colonial Governors	113.	U. K.
——— for regulating the Payment of Naval and Marine Pay and Pensions	73.	U. K.
Perth; to confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," (25 & 26 Vict. c. 101.,) relating to the Burgh of Perth	7.	S.
Petitions, Election; to amend "The Election Petitions Act, 1848" (11 & 12 Vict. c. 98.,) in certain Particulars	8.	G. B. & I.
Pheasants; to alter the Days between which Pheasants may not be killed in Ireland	54.	I.
Piers and Harbours; for confirming, with Amendments, certain Provisional Orders made by the Board of Trade under "The General Pier and Harbour Act, 1861," (24 & 25 Vict. c. 45.,) relating to Carrickfergus, Hastings, Maldon, Northam, and Shanklin	58.	G. B. & I.
——— for confirming, with Amendments, certain Provisional Orders made by the Board of Trade under "The General Pier and Harbour Act, 1861," (24 & 25 Vict. c. 45.,) relating to Girvan, Mevagissey, and Stornoway	76.	G. B. & I.
——— for confirming, with Amendments, certain Provisional Orders made by the Board of Trade under "The General Pier and Harbour Act, 1861," (24 & 25 Vict. c. 45.,) relating to Eastbourne, Clevedon, Herne Bay, Llandrillo, and Pensarn	114.	G. B. & I.
Pilotage; for confirming, with Amendments, a Provisional Order made by the Board of Trade under "The Merchant Shipping Act Amendment Act, 1862," (25 & 26 Vict. c. 63.,) relating to the Pilotage of the Port of Sunderland	59.	E.
——— for confirming a Provisional Order made by the Board of Trade under "The Merchant Shipping Act Amendment Act, 1862," (25 & 26 Vict. c. 63.,) relating to the Pilotage of the River Tyne	44.	E.
Plymouth. *See* Local Government.		
Police; to alter the Distribution of the Constabulary Force in Ireland, and to make better Provision for the Police Force in the Borough of Belfast	70.	I.
——— to amend the Law relating to the Police Superannuation Funds in Counties and Boroughs	35.	E.
——— to confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," (25 & 26 Vict. c. 101.,) relating to the Burgh of Perth	7.	S.
Poor—Poor Law; to continue the Poor Law Board for a limited Period	105.	E.

	Cap.	Relating to
Poor—Poor Law; to provide for the better Distribution of the Charge for the Relief of the Poor in Unions	79.	E.
—— to make the Metropolitan Houseless Poor Act (27 & 28 Vict. c. 116.,) perpetual	34.	E.
—— to provide for Superannuation Allowances to Officers of Unions in Ireland	26.	I.
—— to provide for the Exemption of Churches and Chapels in Scotland from Poor Rates	62.	S.
Portland. *See* Fortifications.		
Ports, Dockyard; for the Regulation of Dockyard Ports	125.	G. B. & I.
Portsmouth and Chatham Dockyards; to enable the Admiralty to contract for certain Works in connexion with the Extension of Her Majesty's Dockyards	51.	E.
Post Office; to enable Her Majesty's Postmaster General to acquire a Site for the Extension of the General Post Office in St Martin's-le-Grand in the City of London	87.	E.
Practice. *See* Exchequer. Felony and Misdemeanor.		
Presidencies in India. *See* East India.		
Prevention of Trespass; to provide for the better Prevention of Trespass in Scotland	56.	S.
Prisons, to consolidate and amend the Law relating to	126.	E.
——— to amend the Prisons (Scotland) Administration Act, 1860, (23 & 24 Vict. c. 105.,) and to explain the Fifty-second and Seventy-seventh Sections of the said Act	84.	S.
——— *See also* Falmouth.		
Private Bill Costs; for awarding Costs in certain Cases of Private Bills	27.	U. K.
Procedure (Civil Bill Courts); to amend certain clerical Errors in the Civil Bill Courts Procedure Amendment Act (Ireland), 1864, (27 & 28 Vict. c. 99.)	1.	I.
Procurators; to amend the Laws relating to Procurators in Scotland	85.	S.
Property of Married Women; to provide for the Security of Property of Married Women separated from their Husbands in Ireland	43.	I.
Protection of Inventions, &c. *See* Industrial Exhibitions.		
Provisional Orders Confirmation. *See* Drainage and Improvement of Lands. Local Government. Piers and Harbours. Pilotage. Turnpike Trusts, &c.		
Public Audit. *See* Comptroller of the Exchequer.		
Public Buildings. *See* Courts of Justice. India Office. Public Offices.		
Public Debt; to make further Provision for the Management of the Unredeemed Public Debt in Ireland, and for the Reduction of the Interest payable on certain Sums advanced by the Bank of Ireland for the Public Service	16.	G. B. & I.
Public Houses; to amend the Act 27 & 28 Vict. c. 64., commonly called "The Public House Closing Act, 1864"	77.	E.
Public Offices; to enable the Commissioners of Her Majesty's Works and Public Buildings to acquire additional Lands for improving the Site of the new Public Offices in Downing Street and the Approaches thereto	31.	E.
Public Works; for transferring the Ulster Canal to the Commissioners of Public Works in Ireland	109.	I.
Qualifications for Offices; to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively	97.	G. B. & I.
Quarter Sessions, Falmouth; to provide for the Discontinuance of a separate Court of Quarter Sessions and a separate Gaol in the Borough of Falmouth	103.	E.

	Cap.	Relating to
Railway (War Department); to enable Her Majesty's Secretary of State for the War Department to lay down and use a Tramway or temporary Railway across certain public Roads in the County of Devon	74.	E.
Ramsgate. *See* Local Government.		
Rates, Taxes, and Duties. *See* Customs and Inland Revenue. Excise. Poor.		
Record of Title; for the recording of Titles to Land in Ireland	88.	I.
Redcar. *See* Local Government.		
Registration of Mortgage Debentures; to enable certain Companies to issue Mortgage Debentures founded on Securities upon or affecting Land, and to make Provision for the Registration of such Mortgage Debentures and Securities	78.	E.
Registration of County Voters, to amend the Law relating to	36.	E.
Relief of the Poor. *See* Poor.		
Retiring Pensions. *See* Colonial Governors.		
Revenues of Greenwich Hospital; to provide for the better Government of Greenwich Hospital, and the more beneficial Application of the Revenues thereof	89.	U. K.
Revising Barristers; to amend the Law relating to the Registration of County Voters, and to the Powers and Duties of Revising Barristers in certain Cases	36.	E.
Roads; for further regulating the Use of Locomotives on Turnpike and other Roads for agricultural and other Purposes	83.	G. B. & I.
—— *See also* Turnpike Trusts, &c.		
Robbers and Rapparees. *See* Vagrancy.		
Rochdale Vicarage; to regulate the Appointment of a Vicar or Incumbent to the Vicarage of the Parish Church of Rochdale (Lancaster) in the Diocese of Manchester	117.	E.
Royal Arsenals, &c.; for providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of Dover and Portland, and of creating a Central Arsenal	61.	U. K.
Royal Marines. *See* Naval Discipline, &c.		
Royal Navy. *See* Naval Discipline, &c.		
Rusholme. *See* Local Government.		
Ryde. *See* Local Government.		
Saint Martin's-le-Grand. *See* General Post Office.		
Salmon Fishery; to amend "The Salmon Fishery Act, 1861," (24 & 25 Vict. c. 109.)	121.	E.
Scotland, Acts relating specially to. *See* Affirmations. Ayr Burghs. Churches and Chapels. Commissioners of Supply. Furnaces. General Police Act. Perth. Poor. Prisons. Procurators. Smoke Nuisance. Trespass.		
Scottish Herring Fisheries; to amend the Acts 23 & 24 Vict. c. 92. and 24 & 25 Vict. c. 72. relating to the Scottish Herring Fisheries	22.	G. B.
Seamen. *See* Naval Discipline, &c.		
Settlements. *See* Trustees, &c.		
Sewage Utilization; facilitating the more useful Application of Sewage in Great Britain and Ireland	75.	G. B. & I.
Shanklin. *See* Piers and Harbours.		
Sheep and Cattle; to render Owners of Dogs in England and Wales liable for Injuries to Cattle and Sheep	60.	E.
—— for regulating the keeping of Dogs, and for the Protection of Sheep and other Property from Dogs, in Ireland	50.	I.
Sheffield. *See* Local Government.		
Shipley. *See* Local Government.		
Sites for Public Offices. *See* Courts of Justice. India Office. Public Offices.		
Small Benefices; to amend "The Endowment and Augmentation		

	Cap.	Relating to
of Small Benefices (Ireland) Act, 1860," (23 & 24 Vict. c. 72.)	82.	I.
Small Penalties; to amend the Law relating to	127.	E.
Smoke Nuisance; to amend the Act 20 & 21 Vict. c. 73. for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland, and the Act 24 & 25 Vict. c. 17., to amend the said Act	102.	S.
Spirits; to allow British Compounded Spirits to be warehoused upon Drawback	98.	U. K.
Stamps; to provide for the Collection by means of Stamps of Fees payable in the Superior Courts of Law at Westminster, and in the Offices belonging thereto	45.	E.
Stornoway. *See* Piers and Harbours.		
Subscription (Clerical); to amend the Law as to the Subscriptions and Declarations to be made and Oaths to be taken by the Clergy of the Established Church of England and Ireland	122.	E. & I.
Sugar Duties; to amend the Law relating to the Duties on Sugar, and the Drawbacks on those Duties	95.	U. K.
Sunderland; for confirming, with Amendments, a Provisional Order made by the Board of Trade under "The Merchant Shipping Act Amendment Act, 1862," (25 & 26 Vict. c. 63.,) relating to the Pilotage of the Port of Sunderland	59.	E.
Superannuation; to enable the Ecclesiastical Commissioners for England to grant Superannuation Allowances to Persons employed in their Service	68.	E.
——— to amend the Law relating to the Police Superannuation Funds in Counties and Boroughs	35.	E.
——— to provide for Superannuation Allowances to Officers of Unions in Ireland	26.	I.
Supply. *See* Consolidated Fund.		
Supply, Commissioners of; to authorize the Alteration of the Time for holding Statutory Meetings of Commissioners of Supply in Scotland	38.	S.
Suspension of Militia Ballots. *See* Militia.		
Sussex (County); to make better Provision respecting the Transaction of County Business and the Administration of Justice at Quarter Sessions in the County of Sussex; and to confirm certain Proceedings of the Justices of the said County	37.	E.
Swansea. *See* Local Government.		
Taxes, Rates, and Duties. *See* Customs and Inland Revenue. Excise. Poor.		
Tea. *See* Customs and Inland Revenue.		
Territorial Jurisdiction. *See* High Courts in India.		
Tithes; for facilitating the Annexation of Tithes to District Churches	42.	E.
Titles to Land; for the recording of Titles to Land in Ireland	88.	I.
Tories, Robbers, and Rapparees; to repeal the Act 6 Anne, c. 11. (I.), for explaining and amending the several Acts against Tories, Robbers, and Rapparees	33.	I.
Tormoham. *See* Local Government.		
Towns, Local Government of. *See* Local Government.		
Tramway (War Department); to enable Her Majesty's Secretary of State for the War Department to lay down and use a Tramway or temporary Railway across certain public Roads in the County of Devon	74.	E.
Trespass; to provide for the better Prevention of Trespass in Scotland	56.	S.
Trustees, Mortgagees, &c.; to extend to the Court of Chancery of the County Palatine of Lancaster certain of the Provisions of the Act 23 & 24 Vict. c. 145., to give to Trustees, Mortgagees, and others certain Powers now commonly inserted in Settlements, Mortgages, and Wills	40.	E.

	Cap.	Relating to
Turnpike Trusts, &c.; to confirm certain Provisional Orders made under the Act 14 & 15 Vict. c. 38, to facilitate Arrangements for the Relief of Turnpike Trusts	91.	E.
——— to continue certain Turnpike Acts in Great Britain	107.	G. B.
——— for further regulating the Use of Locomotives on Turnpike and other Roads for agricultural and other Purposes	83.	G. B. & I.
Tyne River; for confirming a Provisional Order made by the Board of Trade under "The Merchant Shipping Act Amendment Act, 1862," relating to the Pilotage of the River Tyne	44.	E.
Ulster Canal; for transferring the Ulster Canal to the Commissioners of Public Works in Ireland	109.	I.
Union Chargeability; to provide for the better Distribution of the Charge for the Relief of the Poor in Unions	79.	E.
Union Officers Superannuation; to provide for Superannuation Allowances to Officers of Unions in Ireland	26.	I.
University of Oxford: to empower the University of Oxford to make Statutes as to the Vinerian Foundation in that University	55.	E.
Unredeemed Public Debt; to make further Provision for the Management of the Unredeemed Public Debt in Ireland, and for the Reduction of the Interest payable on certain Sums advanced by the Bank of Ireland for the Public Service	16.	G. B. & I.
Utilization of Sewage; for facilitating the more useful Application of Sewage in Great Britain and Ireland	75.	G. B. & I.
Vagrancy; to repeal the Act 6 Anne, c. 11. (I.), for explaining and amending the several Acts against Tories, Robbers, and Rapparees	33.	I.
Validity of Colonial Laws; to remove Doubts as to the Validity of Colonial Laws	63.	U. K.
Validity of Marriages. *See* Marriages.		
Vicarage of Rochdale. *See* Rochdale Vicarage.		
Vinerian Foundation, Oxford; to empower the University of Oxford to make Statutes as to the Vinerian Foundation in that University	55.	E.
Voters Registration; to amend the Law relating to the Registration of County Voters, and to the Powers and Duties of Revising Barristers in certain Cases	36.	E.
Wallingford. *See* Local Government.		
War Department Tramway; to enable Her Majesty's Secretary of State for the War Department to lay down and use a Tramway or temporary Railway across certain public Roads in the County of Devon	74.	E.
Warehousing of British Spirits. *See* Spirits.		
Wills. *See* Trustees, &c.		
Wills of Seamen, &c.; to make better Provision respecting Wills of Seamen and Marines of the Royal Navy and Marines	72.	U. K.
Women. *See* Married Women's Property.		
Workington. *See* Local Government.		

APPENDIX.

NOTE.—*This Act was omitted to be inserted in the preceding Volume of this Collection of Statutes affecting Scotland.*

Cap. lxxv.

An Act to amend the Law relating to certain Nuisances on Turnpike Roads, and to continue certain Turnpike Acts in Great Britain.—[*29th* July 1864.]

WHEREAS it is expedient to amend the Law relating to Nuisances on Turnpike Roads, and to continue for limited Times the Acts herein-after specified: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Extension of Provisions of 5 & 6 W. 4. c. 50. as to Steam-engines to Turnpike Roads.

I. Whereas by the General Act for the Regulation of Highways, passed in the Session of the Fifth and Sixth Years of the Reign of King *William* the Fourth, Chapter Fifty, Section Seventy, it is, amongst other things, provided that it shall not be lawful for any Person to erect or cause to be erected any Steam Engine, Gin, or other like Machine, or any Machinery attached thereto, within the Distance of Twenty-five Yards from any Part of any Carriageway, or Cartway, unless such Steam Engine, Gin, or other like Engine or Machinery be within some House or other Building, or behind some Wall or Fence, sufficient to conceal or screen the same from the said Carriageway or Cartway, so that the same may not be dangerous to Passengers, Horses, or Cattle, and a continuing Penalty of Five Pounds

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a Day is imposed for any Contravention of the said Provision: And whereas it is expedient that a like Provision should be made with respect to Turnpike Roads: Be it enacted, That it shall not be lawful for any Person to erect or cause to be erected, or to use, any Steam Engine, Gin, or other like Machine, within the Distance of Twenty-five Yards from any Part of any Turnpike Road, unless such Steam Engine, Gin, or other like Engine shall be within some House or other Building, or behind some Wall, Fence, or Screen sufficient to conceal or screen the same from the said Road, so that the same may not be dangerous to Passengers, Horses, or Cattle; and in case any Person shall offend in any of the Cases aforesaid every such Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for every Day during any Part of which such Steam Engine, Gin, or Engine shall be permitted to continue, contrary to the Provisions of this Act; which said Penalties shall be levied, recovered, and applied in such and the same Manner as any Penalty or Forfeiture for any other Offence on any Turnpike Road may be levied, recovered, and applied; but no Penalty shall be incurred under this Section in respect of any Locomotive Engine travelling according to Law on any public Railway, Turnpike Road, or other Highway.

Continuation of Acts, except

II. The Acts mentioned in the Schedule to this Act annexed shall continue in force until the First Day of *November* One thousand eight hundred and sixty-five, and no longer, unless Parliament in the meantime continues the same; but every other Act now in force for regulating, making, amending, or repairing any Turnpike Road in *Great Britain* which will expire at or before the End of the next Session of Parliament shall continue in force until the First Day of *November* One thousand eight hundred and sixty-five and to the End of the then next Session of Parliament, except an Act of the Third Year of King *George* the Fourth, Chapter Sixty-two, "for "amending and keeping in repair the Road from the Turnpike "Gate at the Bottom of *White Street Hill* in the Parish of "*Donhead Saint Andrew*, in the County of *Wilts*, through the "Towns of *Shaftesbury*, *Milborne Port*, and *Sherborne* in the "Counties of *Dorset* and *Somerset*, to the Half-way House in "the Parish of *Nether* otherwise *Lower Compton* in the said "County of *Dorset*, and several other Roads communicating "therewith," so far as the same relates to the *Shaftesbury* Division of Road; an Act of the Sixth Year of King *George* the Fourth, Chapter Forty-four, "for making and maintaining "a Turnpike Road from *Brighouse* in the Parish of *Halifax* "to *Denholme Gate* in the Parish of *Bradford* in the West Riding of the County of *York;*" an Act of the Sixth Year of King *George*

3 G. 4. c. lxii. (in part).

6 G. 4. c. xliv.

6 G. 4. c. lxxxvii. *George* the Fourth, Chapter Eighty-seven, "for more effectually "repairing and improving the Roads from *Sheet Bridge* to "*Portsmouth*, and from *Petersfield* to the *Alton* and *Alresford* "Turnpike Road near *Ropley* in the County of *Southampton*, "and for making and maintaining a new Branch of Road to "communicate therewith;" an Act of the Second Year of King

2 W. 4. c. xxi. *William* the Fourth, Chapter Twenty-one, "for more effectually "repairing the Road from *Downham Market* to *Barton* and to "a place called the *Devil's Ditch*, all in the County of *Norfolk*;"

2 W. 4. c. lxii. an Act of the same Year, Chapter Sixty-two, "for more effec- "tually repairing the Road from *Ightham* in the County of *Kent* "to the Turnpike Road leading from *London* to *Maidstone* in "the said County;" and an Act of the Eighteenth and Nineteenth Years of Her present Majesty, Chapter One hundred and

18 & 19 Vict. c. cxxxvi. (in part). thirty-six, "to repeal the Acts passed for repairing the Road "from *Hedon*, through *Preston* and *Bilton*, to *Hull*, and other "Roads in the County of *York*, and to make other Provisions "in lieu thereof," so far as the same relates to the Second District.

3 & 4 W. 4. c. c. to continue in force till Aug. 4, 1865. III. The Act of the Third and Fourth Years of *William* the Fourth, Chapter One hundred, intituled *An Act for continuing certain Powers to the Trustees of the Road from* Kentish Town *to* Upper Holloway *in the County of* Middlesex, shall continue in force till the Fourth Day of *August* One thousand eight hundred and sixty-five, and no longer.

Short Title. IV. This Act may be cited for all Purposes as "The Annual Turnpike Acts Continuance Act, 1864."

[*None of the* Acts *mentioned in the Schedule appended to this Act apply to Scotland.*]